INVESTIGATION REPORT

THE ROLE OF HOME AFFAIRS DEPARTMENT IN FACILITATING THE FORMATION OF OWNERS' CORPORATIONS

March 2003

Office of The Ombudsman

Hong Kong

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in Facilitating the Formation of Owners' Corporations

Background

This Office has been receiving a number of complaints against the Home Affairs Department (HAD) for not providing adequate assistance to property owners in forming Owners' Corporations (OCs) for the management of their buildings. In April 2001, Government announced a comprehensive implementation strategy on building safety and timely maintenance including responsible building management. For this, Government allocated to HAD additional recurrent resources of $43.9 million per annum. Meanwhile, there is considerable community concern over HAD's role in facilitating the formation of OCs. Against this background, The Ombudsman decided to conduct a direct investigation under section 7 (1)(a)(ii) of The Ombudsman Ordinance, Cap. 397.

The Investigation

2. This direct investigation probes the means and mechanism adopted by HAD for assisting property owners in the formation of OCs, scrutinises relevant departmental guidelines and procedures, examines the role(s) of HAD staff in facilitating the formation of OC, ascertains the adequacy and effectiveness of the mechanism, and assesses the need for improvement.

Government Policy

3. Responsibility for managing and maintaining private property rests with the owners. The role of Government is to assist and support responsible owners and to take action against non-compliance. Government's established policy on private building management is to encourage property owners to form OCs and to advise and assist them in carrying out their responsibilities.

Legal Framework

4. The Building Management Ordinance, Cap. 344 (BMO) provides for the incorporation of owners of private property and the management of their buildings. Sections 3, 3A and 4 provide for the appointment of Management Committee (MC). Section 5 provides for serving of notices and voting at owners' meetings convened for the purpose of forming OCs. Sections 7 and 8 provide for incorporation of owners. Schedule 2 provides for the composition and procedures of MC while Schedule 3 for meetings and procedures of OC. Various provisions in the BMO make reference to the Deed of Mutual Covenant, a private contract between the developer and owners stipulating their respective rights and obligations.

Means and Mechanism for Assisting Property Owners

Organisational Set-up and Staff Deployment

5. In June 2001, HAD set up a Building Management Division in its headquarters for the overall planning and coordination of building management functions and services. The Division also provides support to staff in districts. To strengthen this support, maintenance and legal professionals have been deployed since March and November 2002 respectively to provide expert advice, prepare manuals and organise training for frontline staff.

6. At the regional level, HAD set up four Building Management Resource Centres (BMRCs) in Kowloon, Hong Kong, New Territories West and New Territories East to provide information, answer enquiries, offer advice and organise training courses, workshops and exhibitions on building management. BMRCs also arrange appointments for free expert advice by seven professional bodies upon the request of owners and MCs/OCs.

7. At the district level, there are District Building Management Liaison Teams set up in the 18 District Offices (DOs) to undertake frontline building management work, including OC formation. Comprising full-time and suitably trained Liaison and Housing Grade

Officers, these teams assist owners to form OCs, provide outreach support service to OCs and owners, sit in meetings of OCs/MCs, handle complaints and mediate in disputes. They are assisted by Temporary Community Organisers (TCOs), varying in numbers according to district needs and workload.

Means of Service Delivery

8. HAD assists in OC formation by providing information, answering enquiries, offering advice, providing facilitation[1], handling complaints and mediating disputes as well as organising publicity and training programmes.

Support and Control

9. HAD supports frontline staff by publishing reference manuals, advising on difficult cases and equipping them with the necessary knowledge and skills. It promulgates appropriate guidelines and procedures for control and consistency in services, holds regular staff meetings, sets performance indicators and targets and conducts regular review of its services.

Observations and Opinions

Building Management (Amendment) Ordinance 2000

10. The Building Management (Amendment) Ordinance 2000 (BM(A)O), in operation since 1 August 2000, signalled Government's determination to enhance building management. The BM(A)O sought, *inter alia*, to facilitate the formation of OCs by lowering the percentage of undivided shares of a private building required for OC formation from 50%, 30% and 20% under sections 3, 3A and 4 of the BMO to 30%, 20% and 10% respectively. A comparison of the OC registration statistics over the two 24-month periods before and after August 2000 ***(Appendix)*** shows that there was an increase of only seven OCs (1%) formed under section 3

[1] Facilitation services include the issue of appeal letters and conduct of household visits to encourage owners to form OCs; loan of exhibition panels, arrangements of venues for owners' meetings and issue of exemption certificates in order to obtain a copy of owners' records from the Land Registry free of charge.

but a decrease of one OC (20%) formed under section 3A. No OC was formed under section 4 during the 48 months.

Means of Service Delivery

Information

11. The information booklets and VCDs produced by HAD offer good reference on the statutory provisions governing the formation of OCs and related services but are inadequate for practical guidance. HAD has not provided sufficiently detailed procedures, checklists, forms or documents for different stages of OC formation for public reference, bearing in mind OCs comprise mainly, often wholly, volunteers. The information contained in HAD website on building management <www.buildingmgt.gov.hk> is time-consuming, often difficult, to retrieve without themes or sitemap as guide.

Advice

12. BMRCs open from 10 a.m. to 6:30 p.m. on weekdays and from 10 a.m. to 2 p.m. on Saturdays. The opening hours are extended to 10 p.m. on two evenings a week and are closed on Saturday afternoons, Sundays and public holidays. This is not sufficiently customer-oriented : most property owners are more likely to be free in the evening and over the weekend. Past customer satisfaction surveys conducted by HAD have not covered the opening hours of BMRCs.

13. Each BMRC operates a telephone enquiry and advisory service, with different telephone numbers and different operating hours. This is not sufficiently customer-oriented, and may even be confusing to users. As for their answering enquiries and providing advice, there are user feedback that some HAD staff are not conversant with the BMO; that their advice is not specific enough and their attitude not sufficiently enthusiastic.

14. For the free expert advisory service provided by professional bodies at BMRCs, HAD has not set out definite criteria. As a result, some owners have been misled and not made use of the service.

Facilitation

15. HAD provides little guidelines or procedures to districts for the issue of appeal letters and conduct of household visits to encourage owners to form OCs. As a result, different districts adopt different practices, with varying degrees of enthusiasm and proactivity. Similarly, annual visits to private buildings, to identify those where OCs can be formed, suffer from a lack of guidance. In this light, these activities may not achieve their intended purpose.

Complaint Handling and Dispute Resolution

16. Mediation performed by HAD is informal and cannot proceed without the consent of the disputing parties. On the other hand, arbitration of building management disputes by the Lands Tribunal is time-consuming and costly. A variety of mechanism exists for the settlement of labour disputes and employment claims in a quicker, simpler and less expensive manner than the Lands Tribunal. HAD should take reference from these for settling building management disputes.

Publicity and Education

17. HAD has introduced services for OC formation in its booklets and website (para. 11). However, some of these services, such as facilitation, are not covered. There is also no publicity leaflet to promote these services. As a result, some owners have not been aware and accordingly have not made use of such services.

18. Some District Councils (DCs) or DOs publish building management bulletins or newsletters to promote good building management in their districts. Due to resource constraints, these publications have limited circulation and may not be sufficiently informative in content or attractive in design.

19. On building management training to owners and MC/OC members, only 1% of the talks and workshops conducted from 1999 to 2002 focused solely on OC formation while 99% concerned other building management

topics, with OC formation only briefly covered. The participants for most of the talks and workshops were members of existing MCs/OCs rather than owners interested in the idea of, or wishing to form, OCs.

Support and Control

Staff Advisory Service

20. The internal staff advisory service has been operating in a rather informal and unprofessional manner, with little guidelines and procedures on its operation. There is a lack of clear designation of staff with expertise in different areas of building management to advise frontline staff. The expertise of the maintenance and legal professionals in HAD headquarters (para. 5) have not been used to the best advantage.

Staff Training

21. With the increase in resources, HAD has over the past two years considerably intensified training for frontline staff on the BMO and other building management issues, skills for negotiation, interpersonal relations, communication, complaint handling and mediation. HAD should build on this and strengthen its staff training programmes.

Guidelines and Procedures

22. Staff should be guided by common guidelines and clear procedures to ensure the release and receipt of common and consistent messages and to make for continuity despite staff movement. However, frontline staff in HAD are informed of operational arrangements for service delivery only verbally at induction courses, training courses and staff meetings. Such informal arrangements are ad hoc, unstructured and inadequate.

Performance Monitoring

23. The performance indicators currently adopted by HAD cannot

adequately reflect its efforts on OC formation. There is a need to include more indicators and set more targets. HAD should also regularly publish its targets and achievement to enable the public to monitor its performance more readily.

Service Reviews

24. In May 2002, HAD set up an internal working group to review and identify means to further improve its building management services. Some Government departments have set up client liaison groups to tap customer feedback and to channel suggestions to senior management direct. This is a good practice which HAD should consider.

25. At the district level, few District Building Management Liaison Teams have reported their work or consulted their respective DCs (or its Committees). As DC members have close working relationship with the MCs/OCs and owners in their districts and are well acquainted with local building management problems, they, as district representatives, are well placed to offer valuable views and comments on the strategies, priorities and targets of district building management services.

Organisational Set-up and Staff Deployment

District Building Management Liaison Teams

26. While some DOs have dedicated District Building Management Liaison Teams nominally, the liaison manpower in these teams have in practice been merged with staff in the community liaison team to perform both community liaison and building management work in their precincts. This dilutes staff expertise and undermines the intentions for dedicated outreach teams to provide building management services.

Temporary Community Organisers

27. With the increasing complexity of building management issues and introduction of legislation, it is necessary for full-time officers with the requisite skills and experience to replace the TCOs in building

management duties. The current duties of TCOs have become obsolete and should be reviewed and revised.

Other Observations

Enforcement of Legislation

28. HAD has explained that it has no power or duty to ensure compliance with the legal requirements for OC formation. While HAD may not afford the resources for initiating enforcement action, it cannot shy away from investigating into allegations of non-compliance.

Public Expectations

29. HAD sees its role as liaison and advisory in OC formation and private building management. There are user feedback expressing discontent over the limited part played by HAD while some consider HAD's role unclear and its assistance inadequate. These comments are understandable, given the rising community expectations and the increasing complexity of building management issues.

Conclusions

30. On the basis of our investigation, this Office has come to the following conclusions -

(a) there is scope for HAD to improve the means and mechanism for delivering services on OC formation;

(b) HAD will benefit from clearer departmental guidelines and procedures on services for OC formation;

(c) HAD staff should be more professional and proactive in assisting owners in OC formation; and

(d) HAD's overall efficiency and effectiveness in OC formation work could be raised if the points at (a) to (c) above were properly addressed.

Recommendations

31. The Ombudsman has made the following recommendations to HAD -

Means of Service Delivery

(a) to produce a comprehensive information-cum-resource kit including VCD on OC formation for reference of owners and those who wish to form OCs;

(b) to improve the website on building management by adding a thematic section and a sitemap for ready retrieval of information;

(c) to seek client feedback and review the opening hours of BMRCs to suit client convenience;

(d) to enhance the telephone enquiry and advisory service for client convenience;

(e) to enrich the contents of reference manuals, and to publish categorised case studies of good practice and summaries of court judgments on building management cases for staff reference;

(f) to produce information materials, such as leaflet and poster, on the criteria, limitations and procedures of the free professional advisory service;

(g) to identify and review operations essential to the delivery of services on OC formation, draw up appropriate criteria, guidelines and procedures for these operations and suitably promulgate them among staff;

(h) to consider the scope for simpler, less formal and less costly mechanism for resolving building management

disputes;

(i) to expedite the production of a clear and comprehensive pamphlet to publicise building management services;

(j) to publish a central building management bulletin or newsletter to disseminate to the public up-to-date building management information and services;

(k) to organise and conduct more talks with OC formation as the main theme;

Support and Control

(l) to provide support for frontline staff by professional advisory service in a more systematic manner;

(m) to strengthen staff training on customer services, communication and mediation skills as well as training on the BMO and other building management issues;

(n) to include more performance indicators to better reflect efforts on OC formation and to set out corresponding targets to better monitor staff performance;

(o) to regularly publish performance targets and achievement on OC formation services for improved transparency and accountability;

(p) to set up client liaison group(s) to tap client feedback and suggestions for service improvement;

(q) to tap the local knowledge of DCs for views on strategies, priorities, targets and feedback on the work and performance of District Building Management Liaison Teams;

Organisational Set-up and Staff Deployment

(r) to rectify the situation in some DOs where District Building Management Liaison Teams exist nominally but not in practice;

(s) to review and revise the duties of TCOs;

Others

(t) to consider amending the law to empower the department to investigate into complaints alleging non-compliance with the legal requirements for OC formation; and

(u) to review critically, in consultation with stakeholders, the department's role and services in building management.

Final Remarks

32. Overall, HAD has accepted all recommendations in the report. The Ombudsman is pleased that the department has taken steps to implement a number of similar measures in the course of our investigation.

\- End -

Office of The Ombudsman
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OC Registration Statistics before and after the Enactment of the Building Management (Amendment) Ordinance 2000

Table 1: OC Registration Statistics

Period	*No. of New OCs formed under*			
	s. 3	*s. 3A*	*s. 4*	*Total*
8/1998 to 7/1999	271	2	0	273
8/1999 to 7/2000	294	3	0	297
8/2000 to 7/2001	288	2	0	290
8/2001 to 7/2002	284	2	0	286

Source : HAD

Table 2: Comparison over the Two 24-month Periods before and after August 2000

Section	*8/1998 to 7/2000*	*8/2000 to 7/2002*	*Difference*	*Percentage*
3	565	572	7	1%
3A	5	4	-1	-20%
4	0	0	0	0%

Note : The Building Management (Amendment) Ordinance 2000 came into operation on 1 August 2000.

LEGEND OF ABBREVIATIONS

BM(A)O	Building Management (Amendment) Ordinance 2000
BMCC	Building Management Co-ordination Committee
BMO	Building Management Ordinance, Cap. 344
BMRC	Building Management Resource Centre
CMBS	Co-ordinated Maintenace of Buildings Scheme
DBMCT	District Building Management Co-ordination Team
DC	District Council
DHA	Director of Home Affairs
DMC	Deed of Mutual Covenant
DO	District Office
FAQ	Frequently Asked Question
HAB	Home Affairs Bureau
HAD	Home Affairs Department
HQ	Headquarters
LegCo	Legislative Council
LR	Land Registry
MAC	Mutual Aid Committee
MC	Management Committee
OC	Owners' Corporation
SHA	Secretary for Home Affairs
TCO	Temporary Community Organiser

1

INTRODUCTION

BACKGROUND

1.1 This Office has been receiving some complaints against the Home Affairs Department (HAD) for not providing adequate assistance to property owners in forming Owners' Corporations (OCs) for the management of their buildings. In April 2001, Government announced its implementation strategy on building safety and timely maintenance including responsible building management. For this, Government allocated additional resources of $43.9 million to HAD. Meanwhile, there is considerable community concern over HAD's role in facilitating the formation of OCs in private buildings. To address this community concern, The Ombudsman decided to conduct a direct investigation under section 7 (1)(a)(ii) of The Ombudsman Ordinance, Cap. 397. The Director of Home Affairs (DHA) was notified in early May 2002. A press announcement was issued in mid-May 2002.

AMBIT

1.2 The ambit of this direct investigation is to -

(a) probe into the means and mechanism adopted by HAD for assisting property owners in the formation of OCs;

(b) scrutinise departmental guidelines and procedures governing such assistance;

(c) examine the role(s) of HAD staff, in head office and particularly in the field, in facilitating the formation of OCs;

(d) ascertain the adequacy and effectiveness of (a), (b) and (c); and

(e) assess the need, if any, for improvement.

METHODOLOGY

1.3 For this investigation, we have -

(a) studied relevant policy papers, records and statistical data of HAD and Home Affairs Bureau (HAB);

(b) visited Building Management Resource Centres (BMRCs);

(c) interviewed a number of HAD staff working in its Building Management Division in headquarters (HQ), BMRCs and District Building Management Liaison Teams of various District Offices (DOs);

(d) held discussions with the directorate of HAD and HAB;

(e) studied recent complaints received by HAD and this Office; and

(f) invited views from -

    (i) the 18 District Councils (DCs);

    (ii) nine representative OC associations or federations; and

(iii) the general public.

REPORT

1.4 The draft investigation report was sent to HAD and HAB for comments on 6 March 2003. This final report, incorporating their comments and our responses, was issued on 25 March 2003.

2

OVERVIEW

GENERAL

2.1 OCs are legal entities formed by owners of private buildings under the Building Management Ordinance (BMO), Cap. 344 for managing their buildings. Besides OCs, there are other owners' or residents' organisations such as Mutual Aid Committees (MACs), Owners' Committees, tenants' associations, which play a similar role.

2.2 There are approximately 42,000 private buildings in the territory. As at 28 February 2003, there were 6,975 OCs registered with the Land Registry (LR), covering about 13,000 buildings. There were 287, 277, 305 and 300 newly registered OCs in 1999, 2000, 2001 and 2002 respectively, of which 226, 241, 261 and 291 were formed with HAD's assistance.

POLICY OBJECTIVES

2.3 Responsibility for managing and maintaining private property rests with the owners. The role of Government is to assist and support responsible owners and to take action against non-compliance. Government's established policy on private building management is, therefore, to encourage the formation of OCs and to give them advice and assistance in carrying out their responsibilities. To this end, Government has adopted a three-prong approach -

(a) to provide a legal framework conducive to the formation and operation of OCs;

(b) to provide effective advice and professional services to OCs; and

(c) to provide training for members of OCs.

ROLE AND SERVICES OF HAD

2.4 Under the BMO, the Secretary for Home Affairs (SHA) as the statutory authority to facilitate the formation of OCs, is vested with legal powers to intervene in the management

of private buildings. As the executive arm of HAB, HAD assists property owners in building management by -

(a) advising owners on the procedures of OC formation;

(b) issuing exemption certificates to convenors of owners' meetings to enable them to obtain a free copy of owners' records from the LR for the purpose of OC formation;

(c) attending owners' meetings as a third party;

(d) processing applications for SHA's order[1] under s.3A of the BMO;

(e) providing owners with advice on the operation of OCs;

(f) organising educational and publicity activities to promote efficient and effective building management;

(g) dealing with enquiries and complaints on

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[1] See para. 5.2(d) of Annex 2

building management; and

(h) helping to resolve disputes between owners, OCs and management companies.

2.5 HAD's free booklet "How to form an OC and achieve effective building management" and website on building management provide further explanation, *inter alia*, on the services of HAD for OC formation. They are extracted at **Annex 1** for easy reference.

LEGAL FRAMEWORK

Building Management Ordinance

2.6 The Building Management Ordinance, Cap. 344 provides for the incorporation of owners of private property and the management of their buildings, specifically -

Part II - appointment of Management Committee (MC) under different circumstances

- serving of notices and voting at

owners' meetings convened for the purpose of forming OCs

Part III - incorporation of owners of private buildings

Schedule 2 - composition and procedures of MC

Schedule 3 - meetings and procedure of OC

The main provisions in the BMO relating to formation of OCs are summarised in Chapter 2 and Appendix I of the HAD booklet "How to form an OC and achieve effective building management" (extract at **Annex 2**).

Building Management (Amendment) Ordinance 2000

2.7 The Building Management (Amendment) Ordinance 2000 (BM(A)O), which came into operation on 1 August 2000, signalled Government's determination to enhance building management. It sought, *inter alia*, to -

(a) facilitate the formation of OCs by lowering the percentage of undivided shares of a private building required for OC formation

from 50%, 30% and 20% under ss. 3, 3A and 4 of the BMO to 30%, 20% and 10% respectively;

(b) reduce the requirement for publication of notice of owners' meetings to one English or one Chinese language newspaper only; and

(c) fine-tune proxy arrangements for jointly-owned flats.

2.8 With the enactment of the BM(A)O, Government set up an inter-departmental steering group under DHA to monitor and evaluate the implementation of the Amendment Ordinance and, where appropriate, to recommend further improvement to the BMO. Meanwhile, the Legislative Council (LegCo) also set up a subcommittee under the Panel on Home Affairs to review the BMO. The work of the steering group and the subcommittee are discussed in more detail in Chapter 5 and 4 respectively.

Deed of Mutual Covenant

2.9 A Deed of Mutual Covenant (DMC), a private contract executed between the developer and owners, stipulates the rights and obligations of the parties concerned. A DMC is expressly defined in s. 2 of the BMO as a document which defines

the rights, interests and obligations of owners among themselves. Government is not a party to the contract. Various provisions in the BMO make reference to the DMC. The relevant DMC thus has a bearing on the application of these provisions to individual cases.

INCREASE OF RESOURCES TO HAD

2.10 In April 2001, the then Planning and Lands Bureau published a plan to implement a comprehensive strategy for building safety and timely maintenance, including building management. For this, Government gave HAD additional recurrent expenditure for an extra 90 full-time staff[2] to enable the department to provide more comprehensive and professional services to OCs and owners, particularly at district level.

2.11 Apart from increasing the manpower support, the additional resources enable HAD to -

(a) enhance training for HAD staff;

(b) set up more BMRCs;

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[2] $22.5M in 2001/02 and $43.9M per annum from 2002/03 onwards

(c) organise more training for members of OCs and MACs; and

(d) set up a central database to provide updated and accurate information on all private buildings in the territory.

3

MEANS AND MECHANISM

GENERAL

3.1 This Chapter describes HAD's organisational set-up and staff deployment as the means to assist owners in OC formation and the internal support and control by HAD.

ORGANISATIONAL SET-UP AND STAFF DEPLOYMENT

3.2 Division IV (Building Management Division) of HAD HQ, established in June 2001 for implementation of Government's strategy for building safety and timely maintenance, is responsible for planning and coordinating building management matters, including :

- reviewing and formulating strategies and direction of HAD's building management functions and services
- setting targets

- allocating manpower resources
- monitoring work progress
- advising on such matters as formation of OCs

The Division also provides support to frontline district staff. Headed by an Assistant Director, the Division is staffed mainly by Liaison and Housing Grade Officers. It has been strengthened by maintenance and legal professionals since March and November 2002 respectively. These professionals are expected to, *inter alia*, provide expert advice, prepare manuals and organise training for frontline staff. An organisational chart of Division IV is at **Annex 3**.

3.3 To assist owners, residents, OCs, MACs and management bodies in improving the standards of management of their buildings, HAD has set up under Division IV four regional BMRCs : BMRC(Kowloon) in Yaumatei, BMRC(Hong Kong) in Central, BMRC(New Territories West) in Tsuen Wan and BMRC(New Territories East) in Shatin[3]. The main functions of these Centres are to provide information, answer enquiries, offer advice and organise training courses, workshops and exhibitions on building management. BMRCs also arrange appointments for free expert advice by professional bodies upon the request of owners and OCs. Headed by a Senior Liaison

[3] BMRC(NTW) was set up in June 2001 and BMRC(NTE) was set up in February 2003.

Officer, BMRC is staffed by Liaison and Housing Grade Officers, as at **Annex 4**. HAD leaflet introducing the services of the BMRCs, their locations and opening hours is at **Annex 5**.

3.4 At the district level, District Building Management Liaison Teams are set up in the 18 DOs to undertake frontline work related to building management, including OC formation. Comprising full-time and suitably trained Liaison and Housing Grade Officers, these teams assist owners to form OCs, provide outreach support service to OCs and owners, sit in meetings of OCs and MCs, handle complaints and help resolve building management problems. Where disputes arise between owners or between owners and OCs/MCs, they would assist in mediation. In general, Housing Grade Officers look after target buildings[4] and Liaison Officers, other buildings.

3.5 An organisational chart of a typical DO showing the position of the District Building Management Liaison Team is at **Annex 6**. These teams have been established by phases in the 18 DOs between late 2001 and early 2002, replacing the previous District Building Management Coordination Team (DBMCT)[5]. The 18 District Building Management Liaison Teams

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[4] Target buildings are those identified by the District Building Management Co-ordination Committee (chaired by District Officers) for follow-up actions.

[5] The DBMCTs staffed by Housing Grade Officers were disbanded upon the formation of District Building Management Liaison Teams.

are divided into four categories, each with different manning scales of Liaison and Housing Grade Officers, determined primarily on the basis of building profile and workload in each district :

Category A	**Category B**	**Category C**	**Category D**
• Central and Western	• Eastern	• Wong Tai Sin	• North
• Kowloon City	• Kwun Tong	• Southern	• Sai Kung
• Shum Shui Po	• Kwai Tsing	• Tuen Mun	• Islands
• Wanchai	• Tsuen Wan	• Yuen Long	
• Yau Tsim Mong		• Tai Po	
		• Shatin	

The manpower deployment of the 18 teams is at **Annex 7.** District Officers may, however, vary deployment according to district needs.

3.6 The Liaison Officers II in these teams are usually assigned to a specific precinct, where they are expected to deal with the whole range of building management duties, including the formation of OCs. Liaison Officers II work to a Liaison Officer I who supervises their day-to-day work. Liaison Officers working in District Building Management Liaison Teams of Category A to C are headed by Senior Liaison Officers who provide overall direction and guidance, particularly when dealing with difficult cases. Liaison Officers are assisted by Temporary Community Organisers

(TCOs), varying in numbers according to district needs and workload. TCOs mainly assist in community liaison and building management duties. A job description of TCOs is at **Annex 8**.

3.7 In 2000, HAD adopted the manning ratios of one Liaison Officer I/II for 500 buildings in the urban area and 1,000 buildings in the rural area on OC formation and one Liaison Officer I/II for 200 OCs on OC servicing.

3.8 In November 2002, HAD HQ completed a review, in consultation with DOs, to rationalise the allocation of the additional manpower resources made available in 2001 to the 18 DOs for enhancing building management. More elaborate criteria, which take into account such factors as the number of private buildings, OCs and MACs as well as the total population of private buildings in the districts, have been devised. The re-allocation will take place in April 2003.

MEANS OF SERVICE DELIVERY

3.9 HAD assists in OC formation by providing information, answering enquiries and offering advice, providing facilitation, handling complaints and resolving

disputes as well as organising publicity and training programmes.

Information

3.10 HAD HQ has prepared a number of booklets, video tapes and VCDs which contain information on the formation of OCs (list at **Annex 9**). These information materials are distributed free of charge at BMRCs and public enquiry service centres of DOs. BMRCs also have a good collection of reference materials on private building management for public viewing : a list of the different categories of reference materials displayed at BMRCs is at **Annex 10**. The reference materials may be photocopied at a modest fee.

3.11 In December 2001, HAD set up a dedicated website <www.buildingmgt.gov.hk> to provide up-to-date and comprehensive information on building management, related services provided by HAD as well as the publicity and educational programmes it organise (**Annex 11**). In March 2002, HAD released on the website a database of all private buildings in Hong Kong <www.buildingmgt.gov.hk/buildingmgt/database/index.htm> for public access to accurate information on private buildings (**Annex 12**).

Advice

By HAD Staff

3.12 The four BMRCs answer public enquiries and give general advice on building management matters including formation of OCs by telephone, in person, by post, by fax or through electronic mail. The number of enquiries received by BMRCs between April 1999 and March 2002 and the nature of such enquiries are at **Annex 13**. Enquiries on the provisions of BMO or DMC and procedures for formation of OCs represent about 29% and 5% respectively of the enquiries received during that period.

3.13 Liaison Officers in the District Building Management Liaison Teams are frontline staff for answering enquiries, offering advice and giving assistance to owners on building management matters including OC formation. They advise owners and convenors of owners' meetings on the preparation for such meetings. When invited, they attend owners' meetings as a third party to offer advice as necessary. The volume of advice and assistance given between April 1999 and March 2002 and their nature are at **Annex 14**. Advice and assistance given on OC formation are not separately accounted for. District Building Management Liaison Teams are, however,

required to submit to HAD HQ monthly progress reports on formation of OCs and the overall profile of OCs in their districts. A consolidated progress report compiled by HAD HQ for May 2002, at **Annex 15**, shows the number of OCs formed with the assistance of DOs that month. However, it does not indicate the volume of advice or assistance not resulting in the formation of OCs. The figures in the report does not, therefore, reflect the actual workload.

By professional bodies

3.14 HAD has arranged with seven professional bodies (see Annex 5) to provide free advisory services at the BMRCs. Members of the public in need of professional advice on building management matters including OC formation may approach BMRC staff, who would conduct an interview to establish the case. To avoid abuse, there is a rule prohibiting property management professionals or companies from applying for this service. The free legal advisory service of the Law Society of Hong Kong is provided on a one-off basis and requests for follow-up sessions would not be entertained. There are also situations where assistance would not be given -

(a) The applicant has already hired a

professional for the case;

(b) The applicant seeks legal opinion on the contents of an assignment of property; or

(c) The case is a very complex one.

3.15 BMRC staff would summarise the case on an application form (copy at **Annex 16**) and submit it, with relevant documents if any, to the Senior Liaison Officer in charge for consideration. If approved, the applicant would be advised of the date and time of the appointment. The case would then be passed to the duty professional at least five working days before the scheduled appointment. At the district level, District Building Management Liaison Teams may refer suitable cases to BMRCs. The average waiting time for this service is two to three weeks.

3.16 On the day of the appointment, the duty professional would give advice verbally and record on the application form a brief note of the advice given or follow-up action suggested. Each session normally lasts for 30 to 45 minutes. Written advice would not be given, nor would action be taken on behalf of the applicant. The duty professional would normally not answer questions not stated in the application form.

3.17 A total of 419 free advisory sessions were conducted by the seven professional bodies between April 2000 and March 2002 (see **Annex 17**). 378, or 90%, were legal advisory sessions (breakdown by nature at **Annex 18**). Some 57% of the legal advice given concerned interpretation of the provisions of BMO and DMC while 2.8%, formation of OCs.

Facilitation

3.18 District Building Management Liaison Teams may issue appeal letters (samples at **Annex 19**) and conduct household visits to explain to property owners the advantages of forming an OC and to encourage them to form one. These activities are usually targetted at -

(a) buildings listed by the Building Management Co-ordination Committee (BMCC) of DOs or by the Buildings Department under the Co-ordinated Maintenance of Buildings Scheme (CMBS);

(b) buildings issued with statutory repair orders;

(c) buildings with building management, maintenance or repair problems; and

(d) new buildings.

3.19 Not all DOs have kept statistics of the number of appeal letters issued and household visits conducted. HAD is, therefore, unable to provide figures for the 18 DOs or the number and type of buildings involved and the outcome as a result of such activities.

3.20 HAD has pledged in the Policy Objective Booklet 2001 on Building Management to visit all private buildings to identify those where OCs can be formed (relevant extract at **Annex 20**). In this connection, District Building Management Liaison Teams have since establishment been visiting private buildings in their districts. Where formal meetings were held, records of the visits (sample at **Annex 21**) would be kept. DOs may modify the format of these records to suit their needs. Informal liaison visits where follow-up action was necessary would be recorded in the relevant case files. Informal visits solely for goodwill or general liaison may be reported to the supervisor verbally. Between April and September 2002, visits were paid to some 15,000 buildings.

3.21 Upon request from owners, District Building Management Liaison Teams arrange the loan of exhibition panels to promote the formation of OCs. Between April 1999 and February 2003, exhibition panels were on loan on 205 occasions. Where necessary, venues for owners' meetings would also be arranged.

3.22 On application from owners having more than 5% of undivided shares, DOs issue exemption certificates for them to obtain a copy of owners' records of the building from the LR free of charge. DOs also process s.3A applications from their districts. Nine OCs have been so formed since August 1998.

Complaint Handling and Dispute Resolution

Handling of Complaints

3.23 District Building Management Liaison Teams handle building management complaints in their districts. These usually concern specific complaints against malpractice and wrong-doing; disputes arising from conflict of interests among owners, residents, MCs, OCs, MACs or management companies and complaints against HAD staff. The number and nature of building management complaints received by HAD

between April 1999 and March 2002 are at **Annex 14.** 22 complaints, involving six cases, relate to OC formation.

Mediation

3.24 In dealing with building management complaints, HAD staff often perform a mediatory role in persuading the disputing parties to stay cool, to sit together and to resolve disputes rationally and reasonably. Between July 2001 and June 2002, HAD mediated in 334 cases.

3.25 HAD staff are, on instruction, to remain impartial and refrain from arbitrating or policing over any dispute as the department has no mandate to adjudicate or arbitrate. HAD staff performing mediation are not accredited mediators and their mediation efforts are informal.

Publicity and Training

Publicity

3.26 HAD encourages owners to form OCs through publicity by pamphlets, posters and APIs. The pamphlets and posters are distributed to members of the public through DOs and BMRCs and sent to individual buildings by District Building

Management Liaison Teams. APIs are broadcast on TV and radio regularly. HAD has also made TV episodes to promote good building management. HAD HQ and DOs also organise roving exhibitions to promote effective building management with formation of OCs as one of the topics. Between September 2000 and November 2002, 49 exhibitions were held, each lasting one to five days.

Education and Training

3.27 HAD organises seminars, courses, workshops and talks on building management for members of the public. Such sessions in 1999, 2000, 2001 and 2002 numbered 218, 293, 370 and 545 respectively. OC formation is usually covered along with other important topics such as the BMO, building maintenance, OC accounts and building insurance. 14 of these talks focussed solely on OC formation : 2, 4, 3 and 5 in 1999, 2000, 2001 and 2002 respectively.

SUPPORT AND CONTROL

3.28 HAD supports frontline staff in the discharge of their building management duties by publishing reference materials, advising on difficult cases and equipping them with

the necessary knowledge and skills. It exercises control over the delivery of services through promulgating appropriate guidelines and clear procedures, holding regular staff meetings, setting performance indicators and targets and conducting regular service reviews.

Staff Advisory Service

3.29 To assist frontline liaison staff, HAD HQ has since January 1995 issued an "Operational Manual on Building Management for Liaison Staff". This is a collection of useful information : explanation on the provisions of the BMO, policy objectives, services and practices, internal guidelines, procedures and checklists on building management matters. It serves as a handy reference for liaison staff on building management matters. One chapter is devoted to OC formation.

3.30 HAD HQ has also produced for frontline liaison staff a set of "Frequently Asked Questions (FAQ) on the BMO" with ready answers to commonly asked questions on the BMO drawn mostly from legal advice by Government Counsel or Court judgments. One chapter relates to OC formation.

3.31 In addition, judgments on building management cases of the Lands Tribunal and the High Court serve as a guide for

HAD staff.

3.32 When frontline liaison staff come across complicated enquiries or problems on building management which they have difficulty handling, they may seek advice from BMRCs and HAD HQ. If they need urgent advice after office hours, they may approach BMRCs. Where staff need clarification on policy or legal issues, HAD HQ offers advice and, if necessary, consults HAB or the Department of Justice. Staff are verbally informed of these arrangements at induction courses, training courses and divisional staff meetings.

Staff Training

3.33 HAD provides building management training at induction courses for new recruits and officers newly transferred or earmarked for building management duties. In collaboration with the School of Professional and Continuing Education of the University of Hong Kong, HAD has been organising training courses on the legal aspects of multi-storey building management since 1993. OC formation is covered in these courses.

3.34 HAD HQ also organises :

- training on skills for negotiation, interpersonal relations, communication, complaint handling and, recently, mediation;

- regular talks and experience-sharing sessions on selected building management topics.

Recent court cases on building management disputes are discussed at Saturday workshops held from time to time.

3.35 HAD HQ has dedicated a section on building management in its web-based E-learning Resource Centre[6]. On-line training programmes are organised from time to time.

Procedures and Guidelines

3.36 The Operation Manual on Building Management for Liaison Staff contains the following guidelines and checklists related to OC formation -

(a) guidelines on the issue of exemption certificates to owners of private buildings

[6] Access to the web-based E-learning Resource Centre is restricted to HAD staff.

and Tenants Purchase Scheme estates;

(b) guidelines for processing applications for SHA's order under s. 3A of the BMO; and

(c) checklist on meeting procedures at owners' meetings.

In BMRCs, procedures are drawn up for staff to handle enquiries and requests for free professional advice.

Internal Communication

3.37 The Chief Liaison Officer in Division IV of HAD HQ holds bimonthly meetings with Liaison Officers in charge of District Building Management Liaison Teams. These help to enhance communication between HAD HQ and districts and to keep frontline staff abreast of the latest development on building management. Records of meetings are kept.

Performance Monitoring

3.38 HAD pledges to issue exemption certificates to convenors of owners' meetings within ten working days. This pledge was met fully in 2001 and 2002.

3.39 HAB Policy Objective Booklet 2001 on Building Management (see Annex 20) contains performance indicators for OC formation :

(a) the number of OCs formed;

(b) the percentage increase in new OCs formed; and

(c) the number of requests for information on, or assistance in, OC formation.

Targets announced for these performance indicators for 1999 to 2002 are given in **Annex 22**. HAD met the targets for 1999 to 2002 fully.

3.40 Apart from the announced performance pledges, indicators and targets, HAD HQ has in mid-2002 devised a set of internal performance indicators to better measure, and thus improve, its building management services. These indicators can be grouped into three categories : input, output and outcome indicators (**Annex 23**).

Service Reviews

3.41 HAD conducts periodical customer satisfaction surveys on its building management services. Members of the public visiting the BMRCs are invited to complete a Customer Service Survey Form (sample at **Annex 24**) upon departure. This solicits feedback and comments on the adequacy of the information and services available at BMRCs, the performance of staff, the accessibility of the BMRCs and their value in enhancing knowledge on building management.

3.42 From September 2001 to May 2002, a total of 139 survey forms were completed and returned. Respondents were generally satisfied with BMRC services and the performance of the staff there. Most of them considered BMRCs to be suitably located and to have enhanced their knowledge on building management. Comments and suggestions for improvement made by respondents are summarised at **Annex 25.**

3.43 In June 2002, HAD conducted the first customer satisfaction survey on its performance in facilitating the formation of OCs. A questionnaire (sample at **Annex 26**) was sent to 502 OCs formed in 2000 and 2001 with DOs' assistance. 129 copies, or 26%, were completed and returned. The overall customer satisfaction rating was 3.64 (on a scale of 5) and

that on staff performance was 3.98. The same questionnaire was sent to 50 OCs formed with DOs' assistance in July and August 2002. 19 completed questionnaires, or 38%, were returned. The satisfaction ratings overall and on HAD staff were 4.37 and 4.56 respectively. The two surveys indicate a general satisfaction over the support services provided by HAD on OC formation. Comments and suggestions for improvement made by respondents are summarised at **Annex 27.**

3.44 HAD also collects feedback and comments on its services from the mass media and from LegCo Members, District Councillors, political parties, members of professional bodies, MCs, OCs, MACs, owners, residents and building management companies through correspondence, personal contact, seminars and workshops.

4

COMMUNITY CONCERNS

4.1 As this is a matter of community interest, we have examined areas of particular concern.

LEGISLATIVE COUNCIL

4.2 To address the outstanding issues not covered in the BM(A)O, the LegCo Panel on Home Affairs set up a subcommittee in April 2001 to review the BMO. The subcommittee has raised, *inter alia*, two issues relevant to OC formation -

(a) the need to prescribe appropriate procedures for the formation of OCs, including the nomination and election of MC members; and

(b) the use of mediation to settle building management disputes.

4.3 **On (a),** Government has agreed to amend the BMO to clarify the requirements of a resolution to appoint a MC and rationalise the appointment procedure of members and holders of office of MC. Drafting of the amendments is in progress.

4.4 **On (b),** some subcommittee members have suggested that HAD should assign their own staff to serve as mediators for minor disputes. Alternatively, the Lands Tribunal should be empowered to refer building management disputes to a mediation mechanism operated by HAD, to save the substantial costs for legal proceedings.

4.5 In response, HAD has stepped up mediation training for its staff. It has also secured the agreement of two professional mediation bodies for the provision of free mediation services at BMRCs on a pilot basis. HAD's main concern is over the number of qualified mediators, their qualifications and the effectiveness of mediation for resolving building management disputes.

DISTRICT COUNCILS

4.6 The 18 DCs were invited to give their views. Seven

responded. Their views are summarised below -

(a) District Building Management Liaison Teams should set clear performance pledges or targets, e.g. targets on number of OCs formed;

(b) The opening hours of BMRCs should be extended to the evenings and Sundays;

(c) The duration for the free advisory sessions of voluntary professional bodies in the BMRCs should be lengthened and the limitation on the number of consultations should be lifted;

(d) The role of BMRCs in resolving building management disputes should be strengthened;

(e) Staff of District Building Management Liaison Team should enhance their communication skills; and

(f) There may be cases when OCs cannot be formed because the owners lack interest or the

buildings have been managed by competent management companies. This does not mean that HAD has not been enthusiastic in assisting owners to form OCs.

OC ASSOCIATIONS/FEDERATIONS

4.7 We invited nine representative OC associations or federations to give their views. Four of them (list at **Annex 28**) responded. Their views are summarised below -

(a) HAD has been more proactive and organised more training courses since the establishment of District Building Management Liaison Teams in early 2002;

(b) HAD staff should assist owners at all stages of OC formation and provide samples of all relevant forms for reference;

(c) The duration of each free legal advisory session at BMRCs is too short and the waiting time too long. The legal advice from these sessions is not specific enough;

(d) The role of HAD in assisting owners to form OCs is unclear and the services not customer-oriented;

(e) HAD frontline staff generally lack in-depth knowledge of the BMO and building management practices. Their advice is too general for application;

(f) HAD should deploy more senior and experienced officers to assist owners;

(g) HAD should publicise its services more widely and more clearly, e.g. consolidating information on all services in one leaflet with contact telephone numbers; and

(h) HAD should strengthen its telephone enquiry service on building management matters.

PUBLIC SUBMISSIONS

4.8 This Office has received one submission from an OC

association, expressing concern over the lack of improvement to HAD's building management services even after the department had been allocated additional resources for improving such services (see para. 2.10). It sees no greater output from HAD despite the additional funding and questions whether it is value for public money. Specifically, the association suggests that BMRCs should be opened from 2:00 p.m. to 10:00 p.m. on weekdays and whole day on Saturdays and Sundays for public convenience. This will enable OCs, which usually meet in the evening, to call BMRCs for advice when problems arise in the course of their meetings.

PUBLIC COMPLAINTS

Complaints to this Office

4.9 This Office has handled two complaints on this subject in the past two years. Both alleged that HAD and LR did not carry out adequate supervision and verification to ensure that the legal requirements were met for formation and registration of OCs. It is relevant to note how the two departments viewed their role.

4.10 HAD clarified its role as liaison and advisory, not

supervisory, in the OC formation process :

- the responsibility for complying with the legal requirements for OC formation, in the provisions of the DMC and the BMO, lies with the convenors;

- HAD has no power or duty to ensure compliance with the legal requirements.

4.11 As regards registration of OCs, LR explained that it was required to issue a certificate of registration if the applicant had submitted the requisite documents under ss. 7(2) and (3) of BMO. In these cases, both HAD and LR had advised the complainants to file their cases with the Lands Tribunal if they considered it necessary.

Complaints to HAD

4.12 This Office has examined the 22 complaints (involving six cases) received by HAD on OC formation (see para. 3.23). One case is very similar to those mentioned above; the others are disputes over procedural matters or interpretation of the provisions of the BMO.

5

RECENT IMPROVEMENT MEASURES

STEERING GROUP ON IMPLEMENTATION OF BM(A)O AND RELATED BUILDING MANAGEMENT MATTERS

5.1 Upon the enactment of the BM(A)O in August 2000, Government set up an inter-departmental steering group under DHA to monitor, to evaluate the implementation of the Amendment Ordinance and, where appropriate, to recommend further improvement. The steering group first met in September 2000 and comprised representatives from relevant policy bureaux and departments. Its terms of reference and composition are at **Annex 29**.

5.2 After five meetings, the steering group submitted to SHA in February 2002 an evaluation report consolidating views received on problems arising from the BM(A)O. In general, owners of private buildings welcomed the amendments. Some owners, however, had expressed doubts on the interpretation of some of the amended provisions, notably s. 3(2)(b). Some owners considered that the setting up of a

Building Management Tribunal would provide a cheaper, more convenient and more effective mechanism in solving minor building management disputes than the Lands Tribunal.

WORKING GROUP ON ENHANCEMENT OF BUILDING MANAGEMENT SERVICES

5.3 HAD set up in May 2002 an internal working group to review, and identify, means to improve its building management services. The working group is chaired by a Deputy Director of Home Affairs, with members drawn from Division IV of HAD HQ and District Officers and Senior Liaison Officers of districts with relatively more building management issues. Representatives from other DOs are also welcome to the meetings.

5.4 The working group has put forward, *inter alia*, a number of proposals to improve building management services -

(a) enhancing the information and reference materials available to the public;

(b) reviewing the operation of BMRCs and the need for establishing more Centres;

(c) collaborating with the professional mediation bodies to pilot free services for resolving building management disputes;

(d) identifying and developing a comprehensive set of performance indicators for HAD's building management services;

(e) developing a training road map and enhancing staff training; and

(f) managing public expectations through publicising HAD's role and services, as well as limitations, on building management services.

5.5 **On (a)**, HAD has revised the booklet "How to form an OC and achieve effective building management" and inserted, for the first time, samples of notice of owners' meeting, notice for publication in a newspaper and proxy form for reference of owners and convenors. The new edition of the booklet has been printed and distributed since September 2002.

5.6 **On (b)**, the working group is considering the benefits of merging the manpower resources of District

Building Management Liaison Teams and BMRCs in the longer term and entrusting District Building Management Liaison Teams with the full range of duties of BMRCs.

5.7 **On (c)**, the working group has secured the assistance of the Hong Kong Mediation Council and Hong Kong Mediation Centre in organising workshops and running free mediation sessions in BMRCs under a pilot scheme. The first workshop was held in late July 2002 and the first mediation session was conducted in late August 2002.

5.8 **On (d)**, the working group has agreed on a set of revised performance indicators for measuring input, output and outcome (see Annex 23).

5.9 **On (e)**, the working group is reviewing the training strategy and training programmes for staff on building management duties.

5.10 **On (f)**, the working group is preparing a pamphlet which outlines the role and services of HAD in building management. The extent and limitations of its services will be made clear for public information.

6

OBSERVATIONS AND OPINIONS

GENERAL

6.1 With the enactment of the BM(A)O in August 2000, the increase in manpower and the organisational restructuring in 2001 and 2002 for implementation of the comprehensive strategy for building safety and timely maintenance, HAD has stepped up efforts to encourage property owners to form OCs and to support owners and OCs. Public feedback on these efforts has been generally positive.

6.2 This Office has examined the statistics for registration of OCs before and after the enactment of the BM(A)O. **Annex 30** shows the figures for registration over the four years from August 1998 to July 2002. Comparing the 24-month period before and after August 2000, there was an increase of only seven OCs (1%) formed under s.3 of the BMO but a decrease of one OC (20%) formed under s.3A. No OC was formed under s.4 during the four years.

6.3 HAD explains that the formation of an OC in a building depends on a number of factors :

- the percentage of owner occupancy
- the attitude and preference of owners
- their willingness to take up office
- the physical condition of the building
- perceived need for co-ordinated action (such as receipt of statutory repair orders)

There are also external factors, such as the take-up rate of new buildings, which affect the trend for OC formation.

6.4 HAD further explains that owners may not have the incentive to form OCs if they are satisfied with the management of their buildings by property management companies or if their buildings are due for urban renewal. Formation of OC may also be difficult if most of the undivided shares are with the developer, who may not see the need to deal with an OC on day-to-day management.

6.5 From its field experience, HAD considers the process of formation for most OCs to have been smooth. However, if owners have queries on the process or if there is conflict between opposing camps, dispute would be more likely to arise.

MEANS OF SERVICE DELIVERY

Information

6.6 This Office has examined the booklets, VCDs , video tapes and information sheets produced by HAD on OC formation (see Annex 9). They offer good reference on the statutory provisions governing the formation of OCs and related HAD services. We also note that HAD endeavours to revise and update these information materials for free distribution to owners and convenors who wish to form OCs :

(a) The video tape on formation of OC was updated and converted to VCD in March 2002; and

(b) The booklet on "How to form an OC and achieve effective building management" was revised, with two sample notices and a sample proxy form incorporated, in September 2002.

6.7 However, we see areas for further elaboration for practical guidance. The department has not provided sufficiently detailed procedures, checklists, forms or

documents for different stages of OC formation for public reference, bearing in mind OCs comprise mainly, often wholly, volunteers. Some public feedback suggest that HAD should provide for reference samples of all forms necessary for OC formation (see para. 4.7(b)). Others consider the existing information to lack details and wish to see it phrased in layman terms for easier understanding (see item 7 of Annex 27). HAD should enhance its present materials, preferably in the form of an information-cum-resource kit with relevant guidelines, procedures, checklists[7] and sample forms, notices and documents required for different stages of OC formation. HAD should also consider producing accompanying VCDs as ready audio-visual guide for users of the kit.

6.8 We have examined the HAD website on building management. The information is not organised by themes and there is no sitemap to guide browsers. This makes retrieval of information difficult and time-consuming. HAD should improve the website by adding a thematic section on OC formation and other building management topics (such as how to form OCs and how to deal with various building management problems) and a sitemap to facilitate easy retrieval of information.

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[7] The checklist contained in the Operational Manual on Building Management for Liaison Staff (see para. 3.36) is for the internal reference of HAD staff and is not available to the public.

Advice

Opening Hours of BMRCs

6.9 BMRCs remain open until 10 p.m. on two evenings a week and are closed on Saturday afternoons, Sundays and public holidays (see Annex 5). This is not sufficiently customer-oriented : most property owners are more likely to be free in the evening and over the weekend. In fact, there are comments calling for change and extension of the opening hours of BMRCs (see paras. 4.6(b) and 4.8).

6.10 We see a case for BMRCs revising their opening hours for better client convenience. We note that past customer satisfaction surveys so far have not covered the opening hours of BMRCs. HAD should solicit client feedback in future surveys and review the opening hours of BMRCs.

Telephone Enquiry and Advisory Service

6.11 At present, each BMRC operates its own telephone enquiry and advisory service, with different telephone numbers and different operating hours (see Annex 5). This is not sufficiently customer-oriented, and may even be confusing,

to users. There is call for strengthening the telephone enquiry and advisory service (see para. 4.7(h)). We endorse this suggestion as telephone enquiry and advisory services are widely used in Hong Kong. To facilitate owners and MC/MAC members to make enquiries and seek advice on building management matters, HAD should enhance its telephone enquiry and advisory service by introducing a central hotline on building management - with extended operating hours and preferably supported by interactive voice response system.

Advice by HAD Staff

6.12 There are comments that some HAD staff are not conversant with the BMO and that their advice is not specific enough (see para. 4.7(e)). Some point to HAD staff not being sufficiently enthusiastic or forthcoming in answering enquiries and tendering advice on building management matters (see Annex 27). Others suggest that HAD staff should improve their communication skills (see para. 4.6(e)). These comments point to the need for HAD -

(a) providing more comprehensive and handy reference materials for staff;

(b) stepping up staff training on the BMO and

building management issues; and

(c) strengthening among staff the culture of customer service, helpful attitude and effective communication skills.

6.13 **On (a)**, HAD liaison staff have been issued with an operational manual and FAQ as handy reference on building management matters (see paras. 3.29 and 3.30). To improve the quality of the answers and advice given by staff, HAD should continue to enrich these reference materials. To provide further reference for staff, HAD should produce categorised case studies of good practice and summaries of court case judgments. We shall address **(b)** and **(c)** when we come to staff training later in this Chapter.

Advice provided by Professional Bodies

6.14 We note some confusion over the eligibility criteria for using the free legal advisory service offered by the Law Society of Hong Kong. Some OCs were told that each building or OC has only one chance to use the service (see item 9 of Annex 27). However, we understand from HAD that the service would be refused only if the applicant is seeking legal advice repeatedly on the same case or the same issue.

6.15 There are also considerable limitations on the service (see para. 3.14). However, there is no information leaflet to explain clearly to the public the scope, limitations and procedures of this free service. HAD has not set out definite rules as to when requests should be refused. In contrast, we note that the Free Legal Advice Scheme operated by the Duty Lawyer Service has clear rules on refusal (see **Annex 31**).

6.16 To avoid misunderstanding and unrealistic expectations, HAD should spell out to potential clients as well as staff clear guidelines on all free advisory service. The department should also publicise this service more widely as some of these professional bodies are ready to take on more.

Facilitation

6.17 District Building Management Liaison Teams issue appeal letters and conduct follow-up household visits to owners of target buildings (see para. 3.18) to persuade them to form OCs. HAD should be commended for these efforts. However, we note that HAD HQ provides little guidelines or procedures governing the conduct of this service. As a result, we observe during interviews with staff of District Building

Management Liaison Team that different teams adopt different practices, with varying degree of enthusiasm and proactivity.

6.18 HAD has pledged to visit all private buildings to identify those where OCs can be formed (see para. 3.20 and Annex 20). However, there are no guidelines or procedures for the conduct of these visits. The records of visits (see Annex 21) completed by HAD staff are for general purpose and do not contain any assessment of the critical success factors leading to OC formation (see para. 6.3). In the absence of appropriate guidelines and procedures, these visits may not achieve the intended results.

6.19 To ensure that the issue of appeal letters and conduct of visits serve their intended purpose, HAD should review these operations, formulate action criteria, draw up guidelines and procedures and promulgate them among staff.

Complaint Handling and Dispute Resolution

6.20 Parties in dispute during the process of OC formation often turn to HAD for help to resolve disagreement. HAD would try to mediate in these disputes. If the parties cannot settle their dispute despite HAD's mediatory efforts, they have to bring their case to the Lands Tribunal. This

formal judicial process is, however, time-consuming and costly.

6.21 For reference, labour disputes are settled by the Labour Department through statutory conciliation, mediation and adjudication. On the other hand, employment disputes and claims are settled through a variety of mechanism : voluntary conciliation service provided by the Labour Department; adjudication of minor employment claims[8] by the Minor Employment Claims Adjudication Board of the Labour Department and trial by the Labour Tribunal of the Judiciary for bigger claims. Hearings of the Board and the Tribunal are informal and legal representation is not allowed. These alternative dispute resolution mechanisms allow settlement of disputes and claims in a quick, simple and inexpensive manner. HAB and HAD should take reference.

6.22 HAD has stepped up mediation training for staff and has enlisted two professional mediation bodies for free mediation services at BMRCs (see para. 5.7). This is a positive step forward in offering the public an alternative method for dispute resolution, quicker and less costly than going to the Lands Tribunal. However, mediation is a

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[8] Minor employment claims refer to employment claims involving not more than ten claimants for a sum of money not exceeding $8,000 each.

voluntary process and cannot proceed without the consent of the disputing parties. There are calls for setting up a Building Management Tribunal to provide a less formal avenue than the Lands Tribunal for settling such disputes (see para. 5.2). We endorse this as a good idea. HAB and HAD should actively consider the scope for setting up simpler, less formal and less costly mechanism for resolving building management disputes.

Publicity and Education

Publicity

6.23 HAD makes use of posters, APIs, radio broadcasts, TV episodes and roving exhibitions to publicise the importance of good building management. OC formation is invariably covered among building management issues. HAD should continue these publicity efforts.

6.24 HAD has introduced relevant services in booklets and its website (see para. 2.5). However, some of the services, such as facilitation, are not covered in these booklets or the website. Also, there is no publicity leaflet to introduce HAD services on OC formation. As a result, some owners and convenors are not aware of such services (see items 4 and 5

of Annex 27).

6.25 There is criticism that HAD has not adequately promoted its services on OC formation. There is a suggestion that HAD should publicise its services more widely and more explicitly (see para. 4.7(g)). We are pleased that HAD is preparing a service pamphlet (see para. 5.10) and hope that it could be sufficiently clear and comprehensive.

6.26 Some DCs/DOs publish regular building management bulletins or newsletters to promote good building management in their districts. We note that due to resource constraints, some of these are not sufficiently attractive in content or design. To enhance building management knowledge among owners and MC/MAC members, HAD HQ should publish a building management bulletin or newsletter with territory-wide circulation to provide a more cost-effective and yet attractive, informative and up-to-date forum on building management and relevant HAD services.

Education and Training

6.27 We commend HAD for strengthening building management training to owners and MC/MAC members through more talks, seminars and workshops. However, we note that from

1999 to 2002, only 14 out of 1426, or 1%, of these talks focused on OC formation (see para. 3.27). HAD explained that this topic is invariably covered in most of the talks on other building management topics. However, we believe that the clientele for most of these talks would be members of existing OCs rather than owners interested in the idea of or wishing to form OCs. To reach out to the latter group, we see the need for HAD to organise more talks on OC formation in future and encourage interested (or persuade disinterested) owners to attend.

SUPPORT AND CONTROL

Staff Advisory Service

6.28 HAD supports frontline staff by offering advice when they encounter difficulties in handling building management enquiries or problems (see para. 3.32). However, this support service has been operating in a rather informal and unprofessional manner. There is a lack of clear designation of staff with expertise in different areas of building management to advise frontline staff. Although HAD HQ has been given additional resources for professional posts to provide maintenance and legal advisory support to frontline

staff (see para. 3.2), their expertise have not been utilised to the best advantage. The department has yet to produce guidelines or procedures on how this service should operate.

6.29 To improve the quality and consistency of the advice given to the public through the staff, HAD should clarify and systematise the expert support services and promulgate widely among staff.

Staff Training

6.30 With the increase of resources for the implementation of Government's strategy for building safety and timely maintenance, HAD has over the past two years considerably upgraded the skills of liaison staff through intensified training. HAD should build on this and strengthen training on customer services, communication (see para. 6.12(c)), mediation skills (see para. 6.22) as well as training on the BMO and other building management issues (see para. 6.12(b)).

Guidelines and Procedures

6.31 We are concerned over the general lack of guidelines and procedures for HAD staff to carry out important building

management services and functions. Examples include the issue of appeal letters and conduct of household visits (see para. 6.17), the conduct of annual visits (see para. 6.18) and expert advisory service for staff (see para. 6.28).

6.32 While HAD has assured us that frontline staff are made aware of the arrangements for these services verbally at induction courses, training organised by BMRCs and staff meetings, we consider such informal arrangements ad hoc and unstructured. Staff come and go : there is a need to ensure the release and receipt of common and consistent messages, and to make for continuity despite staff movement. In this connection, staff should be guided by common guidelines and clear procedures. In the absence of these key elements, the effectiveness of the services and activities could not be ascertained or assessed properly.

6.33 For more efficient and effective service delivery, HAD should review its key operations, draw up appropriate guidelines, lay down clear procedures and promulgate them among staff.

Performance Monitoring

6.34 We have examined the performance indicators

developed by HAD to measure its resource input, work output and outcome on building management services (see Annex 23). Only two of them are dedicated to OC formation : number of OCs formed (an output indicator) and customer satisfaction survey on newly formed OCs (an outcome indicator). The other indicators generally do not distinguish between OC formation and servicing. As pointed out earlier, we consider the incidence of advice or assistance given on OC formation, appeal letters issued, household visits conducted and talks/courses held on OC formation also to be important indicators of HAD's efforts on OC formation. There are calls for setting clear performance pledges or targets (see para. 4.6(a)). HAD should include more performance indicators to better reflect its efforts on OC formation. Corresponding targets should be determined to monitor staff performance more effectively. For greater transparency and accountability, HAD should regularly announce the targets and achievement to enable the public to monitor its performance more readily.

Service Reviews

6.35 This Office is pleased that HAD makes special efforts to gauge performance and to obtain feedback : by periodical customer satisfaction surveys on building

management services and a variety of other channels. HAD should be commended for having set up, in May 2002, an internal working group to review and identify means to further improve its building management services (see para. 5.3). This demonstrates the department's determination to make continuous improvement.

6.36 Some Government departments have set up client liaison groups to tap customer feedback and to channel suggestions to senior management direct. We endorse this good practice and urge HAD to set up similar client liaison group(s) for building management services.

6.37 At the district level, we note that few District Building Management Liaison Teams have reported their work or consulted their respective DCs (or the Committees under the DCs). As DC members have close working relationship with the OCs and owners in their districts and are well acquainted with local building management problems, we consider DC members, as district representatives, to be well placed to offer valuable views and comments on the strategies, priorities and targets of building management services. HAD should actively consult DCs so that the work of the District Building Management Liaison Teams can better meet district needs.

ORGANISATIONAL SET-UP AND STAFF DEPLOYMENT

District Building Management Liaison Teams

6.38 We observe during visits to DOs that, while some districts have dedicated District Building Management Liaison Teams nominally, the liaison manpower in these teams have in practice been merged with staff engaged in geographically based community liaison duties. In other words, the same group of liaison officers are responsible for both community liaison and building management work in their precincts. This dilutes staff expertise and undermines the intentions for dedicated outreach teams to provide building management services. HAD should rectify this situation.

TCOs

6.39 In the 1970s and 1980s, TCOs were heavily deployed on building management duties, essentially to help promote MACs for Clean Hong Kong and Fight Crime campaigns. However, with the increasing complexity of building management issues and introduction of legislation, it is no longer fair, or realistic, to expect TCOs to carry out these duties.

Full-time officers with the necessary skills and experience should take up these duties.

6.40 HAD has repeatedly assured us that TCOs do not now on their own advise on OC formation matters or attend owners' meetings for OC formation. HAD explains that, with the increase of liaison staff, TCOs now play only an assisting role. However, we have come across cases where TCOs have had to attend owners' meetings for OC formation on their own. We consider this to be contrary to the intentions of Government allocating additional full-time staff resources to HAD for building management services. HAD has explained that this had been necessitated by staff attending other OC/MC meetings or taking leave. HAD advises that it has taken steps to avoid such situation through change of meeting dates or flexible deployment of staff working in the same team.

6.41 This Office observes that the duty list of TCOs contains such description as "to form MACs/OCs in multi-storey buildings" (see item (ii) of Annex 8). HAD should review and suitably revise the duties of TCOs in the light of changed circumstances.

OTHER OBSERVATIONS

Enforcement of Legislation

6.42 We note that some complaints on OC formation involve disputes as to whether the convenors complied with the legal requirements governing the formation of OCs (see para. 4.9). HAD has explained that the department has no power or duty to ensure compliance (see para. 4.10). While we understand that HAD may not afford the resources for initiating enforcement action to ensure compliance, we think that HAD is duty bound to investigate into complaints alleging non-compliance with the legal requirements. HAD should consider amending the law to empower the department to do so.

Public Expectations

6.43 HAD has explained that it has a liaison and advisory role in OC formation and private building management. In this connection, we have received some public comments of discontent over the limited part played by HAD. They hope that HAD would provide more practical facilitation and concrete support to owners and OCs (see para. 4.7(b)). Others criticise the role of HAD in OC formation and building management matters as unclear and its assistance inadequate

(see para. 4.7(d)). These criticisms are understandable, given the rising community expectations and the increasing complexity of building management issues. We urge HAD to review its role and services critically in consultation with stakeholders to ensure that they continue to meet reasonable needs and expectations of our community.

7

CONCLUSIONS AND RECOMMENDATIONS

7.1 Having examined HAD's means as well as its organisational set-up and staff deployment for OC formation and servicing and considered relevant community views and concerns, we have come to some conclusions and recommendations.

CONCLUSIONS

7.2 On the basis of our investigation, our conclusions are as follows -

(a) there is scope for HAD to improve the means and mechanism for delivering services on OC formation;

(b) HAD will benefit from clearer departmental guidelines and procedures on services for OC formation;

(c) HAD staff should be more professional and proactive in assisting owners in OC formation; and

(d) HAD's overall efficiency and effectiveness in OC formation work could be raised if the points at (a) to (c) above were properly addressed.

RECOMMENDATIONS

7.3 Against this background, The Ombudsman makes the following recommendations to HAD –

Means of Service Delivery

(a) To produce a comprehensive information-cum-resource kit including VCD on OC formation for reference of owners and those who wish to form OCs (para. 6.7);

(b) To improve the website on building management by adding a thematic section and a sitemap for ready retrieval of information (para. 6.8);

(c) To seek client feedback and review the opening hours of BMRCs to suit client convenience (para. 6.10);

(d) To enhance the telephone enquiry and advisory service for client convenience (para. 6.11);

(e) To enrich the contents of operation manual and FAQ, and to publish categorised case studies of good practice and summaries of court judgments on building management cases for staff reference (para. 6.13);

(f) To produce information materials, such as leaflet and poster, on the criteria, limitations and procedures of the free professional advisory service (para. 6.16);

(g) To identify and review operations essential to the delivery of services on OC formation, draw up appropriate criteria, guidelines and procedures for these operations and suitably promulgate them among staff (paras. 6.19 and 6.33);

(h) To consider the scope for simpler, less formal and less costly mechanism for resolving building management disputes (para. 6.22);

(i) To expedite the production of a clear and comprehensive pamphlet to publicise building management services (para. 6.25);

(j) To publish a central building management bulletin or newsletter to disseminate to the public up-to-date building management information and services (para. 6.26);

(k) To organise and conduct more talks with OC formation as the main theme (para. 6.27);

Support and Control

(l) To provide support for frontline staff by professional advisory service in a more systematic manner (para. 6.29);

(m) To strengthen staff training on customer services, communication and mediation skills as well as training on the BMO and other building management issues (para. 6.30);

(n) To include more performance indicators to better reflect efforts on OC formation and to set out corresponding targets to better monitor staff performance (para. 6.34);

(o) To regularly publish performance targets and achievement on OC formation services for improved transparency and accountability (para. 6.34);

(p) To set up client liaison group(s) to tap client feedback and suggestions for service improvement (para. 6.36);

(q) To tap the local knowledge of DCs for views on strategies, priorities, targets and feedback on the work and performance of the District Building Management Liaison Teams (para. 6.37);

Organisational Set-up and Staff Deployment

(r) To rectify the situation in some DOs where District Building Management Liaison Teams exist nominally but not in practice (para. 6.38);

(s) To review and revise the duties of TCOs (para. 6.41);

Others

(t) To consider amending the law to empower the department to investigate into complaints alleging non-compliance with the legal requirements for OC formation (para. 6.42); and

(u) To review critically, in consultation with stakeholders, the department's role and services in building management (para. 6.43).

8

FINAL REMARKS

8.1 We have carefully considered HAD's comments and suggestions for textual amendment and incorporated them into the report, where appropriate. We highlight below the major comments and views from HAD together with our response.

MAJOR COMMENTS/VIEWS AND RESPONSE

District Building Management Liaison Teams

8.2 HAD considers that flexibility in organisation structure and staff deployment enables DOs to respond better to local district needs. Having regard to factors like geographical coverage, number of old buildings or buildings requiring more attention, number of OCs and the characteristics of the local community, some DOs prefer to set up "geographical" teams rather than a "dedicated" team

to provide building management services. From the operational point of view, they consider that "geographical" teams can deal more effectively with building management matters as they have already developed close working relationships with their local clientele. HAD is of the view that the manpower resources devoted to building management in these districts will not necessarily be reduced without a "dedicated" team.

8.3 HAD has expressed reservations about the department dictating a particular organisational setup for all the DOs and making it a mandatory requirement that staff providing building management services could not perform any other duties not related to building management. However, HAD acknowledges this Office's concern that, if the liaison officers are not dedicated to working solely on building management, it will dilute staff expertise and will clash in priority with other non-building management duties.

8.4 Effective building management and, through it, building safety and timely maintenance are a declared priority for which Government has since 2001/02 allocated considerable additional resources to HAD (see para 2.10). The intention is to provide more comprehensive and professional services to OCs and property owners. SHA in the Legislative Council

on 30 May 2001, pledged to set up a Building Management Division in HAD Headquarters and a Building Management Liaison Team in each of the 18 districts to perform "dedicated" building management functions[9]. Against this background, our concern is -

- for attainment of good building management and better building safety in the public interest

- for Government's fulfilment of its open commitment to these objectives.

8.5 We respect the discretion of a Head of Department for deployment of staff for operational efficiency. However, we must assume that this had already been taken into account when Government announced its comprehensive strategy in April 2001, after close consultation with departments concerned including HAD. Our prime concern, therefore, is for **administrative accountability** : that Government, through HAD, honours its promises and delivers the services for which substantial extra resources have been allocated each year.

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[9] Speech by the Secretary for Home Affairs in the Legislative Council meeting on 30 May 2001 - Motion on "Assisting Owners' Corporations and Mutual Aid Committees to Operate"

8.6 We have no intention to interfere with DHA's authority to deploy staff for operational efficiency but this must not be an excuse to divert resources "dedicated" to building management elsewhere. In this context, HAD should set clear and comprehensive performance indicators and targets for measuring output and outcome (para. 7.3(n)). It is important for HAD to demonstrate to our community, especially property owners, that the manpower much enhanced specifically for building management services, however and wherever deployed, delivers the services and meets the targets pledged (para. 7.3(o)).

Temporary Community Organisers

8.7 HAD explains that, in considering an invitation to attend OC/MC meeting, liaison staff will ascertain whether there are potentially controversial items on the agenda. If the owners' meeting is convened to form an OC under the BMO or controversial issues are envisaged, the liaison staff will attend, with the assistance of TCOs where appropriate. If the meeting is expected to be straight-forward, TCOs may be assigned to attend alone. In these cases, the TCO concerned will be fully briefed on the building concerned, the agenda of the meeting and the relevant policies.

8.8 HAD sees no difficulty in sending liaison officers when invited to owners' meeting for the formation of OCs. However, the contribution of TCOs in building management services should not be disregarded and HAD will continue to send TCOs, where appropriate, to attend non-controversial OC/MC meetings on their own.

8.9 We fully appreciate the contribution of TCOs to building management over the decades. However, with building management becoming increasingly complex, we consider it unreasonable and unrealistic -- therefore unfair -- to expect TCOs to carry out this task on their own at owners' meetings. Uneventful meetings could turn less so and, more significantly, even at non-controversial meetings, complex legal questions could be raised, to which TCOs should not be expected to respond. TCOs should, therefore, continue to assist in building management functions under the guidance and supervision of Liaison Officers.

EPILOGUE

8.10 For the 2003 Policy Address, HAB Policy Agenda Booklet has this to say -

"We plan to introduce into the Legislative

Council in mid 2003 a Bill to amend the Building Management Ordinance to improve on certain provisions of the Ordinance. This will contribute towards enhancing building management and maintenance of private housing. We will continue to co-ordinate building management matters and proactively provide advice and service to the public on building management issues."

This is Government's clear undertaking for continuing commitment to effective building management.

8.11 We hope that, before presenting the Bill to LegCo, HAD gives serious thought to our recommendations on less formal and less costly mechanism for resolving building management disputes (para. 7.3(h)), for empowering HAD to deal with non-compliance with legal requirements (para. 7.3(t)) and for clarifying HAD's role and services in building management (para. 7.3(u)).

8.12 We have conducted this investigation in the interest of our community. We are pleased that HAD has accepted most of our and recommendations. Indeed, it has taken steps to implement a number of similar measures in the

course of our investigation. HAD should keep this Office informed of progress on the implementation of all of our recommendations and any major change in policy, procedures or practices. We will follow up progress with HAD half-yearly.

8.13 During our investigation, we have had feedback and collected information on yet another aspect of building management services provided by HAD : namely, to advise and assist OCs in carrying out their responsibilities. This Office will follow up later, possibly through another direct investigation.

8.14 In conclusion, we thank HAD for co-operation and assistance throughout our investigation. We are grateful for the views of DCs, OC associations and federations and members of the public : their comments have been of great value to us.

\- E N D -

Office of The Ombudsman
Ref. OMB/WP/14/1 S.F.102
March 2003

ANNEXES

Annex	Title	Paragraph
1	Extract from Chapter 5 of HAD Booklet "How to form an OC and achieve effective building management"	2.5
2	Extract from Chapter 2 and Appendix I of HAD Booklet "How to form an OC and achieve effective building management"	2.6
3	Organisational Chart of Division IV of HAD Headquarters	3.2
4	Manpower Deployment of BMRCs	3.3
5	HAD Service Leaflet on BMRCs	3.3
6	Organisational Chart of a Typical District Office	3.5
7	Manpower Deployment of District Building Management Liaison Teams	3.5
8	Job Description of Temporary Community Organiser	3.6
9	A List of HAD Publications with information on formation of OCs	3.10
10	A List of Reference Materials available at BMRCs	3.10
11	A List of Information contained in HAD Website on Building Management	3.11
12	Information captured in HAD Database of Private Buildings in Hong Kong	3.11
13	Enquiries received by BMRCs (April 1999 to March 2002)	3.12
14	Advice/Assistance and Complaints handled by District Building Management Liaison Teams (April 1999 to March 2002)	3.13 & 3.23

Annex	Title	Paragraph
15	Consolidated Progress Report on OC Formation (May 2002)	3.13
16(a)	Free Professional Advice - Application Form (for Law Society of Hong Kong)	3.15
16(b)	Free Professional Advice - Application Form (for all other professional bodies)	3.15
17	Free Advisory Sessions provided by Professional Bodies at BMRCs (April 2000 to March 2002)	3.17
18	Free Legal Advice provided by the Law Society of Hong Kong at BMRCs (April 2000 to March 2002)	3.17
19	Samples of Appeal Letters (available only in Chinese)	3.18
20	Extract from the Policy Objective Booklet on Building Management for the Policy Address 2001	3.20
21	Record of Visit (available only in Chinese)	3.20
22	The Announced Performance Targets for OC Formation Services (1999 to 2002)	3.39
23	HAD's Input, Output and Outcome Indicators for Building Management Services	3.40
24	Customer Service Survey Form for BMRCs (available only in Chinese)	3.41
25	Comments and Suggestions from Respondents of the Customer Service Survey for BMRCs (available only in Chinese)	3.42
26	Questionnaire for the Customer Satisfaction Survey on OC Formation Services (available only in Chinese)	3.43
27	Comments and Suggestions from Respondents of the Customer Satisfaction Survey on OC Formation Services (available only in Chinese)	3.43

Annex	Title	Paragraph
28	A List of OC Associations which have submitted their views to this Office	4.7
29	Terms of Reference and Composition of the Steering Group on Implementation of the BM(A)O and Other Related Building Management Matters	5.1
30	OC Registration Statistics before and after the enactment of the BM(A)O in August 2000	6.2
31	Rules of the Free Legal Advice Scheme administered by the Duty Lawyer Service	6.15

Extract from Chapter 5 of HAD's Booklet "How to form an OC and achieve effective building management"

Chapter 5 ASSISTANCE PROVIDED BY THE HOME AFFAIRS DEPARTMENT

ROLE OF THE HOME AFFAIRS DEPARTMENT

5.1 Staff of the Home Affairs Department (HAD) and District Offices (DOs) are always prepared to offer advice and assist owners in the formation of owners' corporations (OCs). Staff of DOs will also maintain contacts with the OCs after their formation. Training courses and seminars are often organized by the HAD to enhance owners' awareness of building management. For details of the services in respect of building management rendered by the HAD, please visit the Homepage on Building Management of the HAD at http://www.buildingmgt.gov.hk.

ASSISTING OWNERS IN THE FORMATION OF OWNERS' CORPORATIONS

5.2 Owners of private buildings incorporate themselves to form OCs in accordance with the Building Management Ordinance (BMO). During the course of setting up an OC, staff of DOs will provide owners with assistance as follows :

(a) Exempting meeting convenors from the charge for owners' records

Owners of a building have to convene an owners' meeting to set up an OC and appoint a management committee. In this connection, meeting convenors will need the records of all owners in the building for the purpose of issuing a meeting notice and verifying the identities of attendees in the OC formation meeting. To relieve the financial burden to the meeting convenors, the DO concerned will consider issuing an exemption certificate regarding the application of the meeting convenors so as to enable them to obtain a free copy of the owners' records from the Land Registry.

(b) Advice on OC formation procedures

Staff of DOs will give advice on the proper procedures in OC formation for reference by meeting convenors. Owners will be reminded to take heed of the BMO and the relevant clauses under the deed of mutual covenant of their own building for the appointment of a management committee. The HAD has also produced a series of exhibition panels and video tapes on OC formation available for loan free of charge. Application forms can be downloaded from the Homepage on Building Management of the HAD at http://www.buildingmgt.gov.hk.

(c) Attendance at OC formation meetings

Staff of DOs will be pleased to attend OC formation meetings and give advice on the appointment of management committees to owners for their reference.

(d) Handling applications lodged under section 3A

In the event that the owners of a building fail to appoint a management committee in accordance with section 3 of the BMO, owners holding an aggregate of 20% of the undivided shares can apply to the Secretary for Home Affairs for an order for convening an owners' meeting under section 3A of the BMO. Staff of DOs will explain the application procedures and handle the applications.

(e) Professional advice

If owners have questions on legal issues during the course of the formation of an OC, they may approach any one of the Building Management Resource Centres established by the HAD for free preliminary professional advice from duty lawyers by appointments.

(f) Providing samples of notice of meeting and proxy

The HAD has prepared specimen formats of notice of meeting, notice to be published in a newspaper and proxy for the purpose of convening an owners' meeting (Appendices VIII-X) for meeting convenors' reference.

Extract from Chapter 2 and Appendix I of HAD's Booklet "How to form an OC and achieve effective building management"

Chapter 2 FORMATION OF AN OWNERS' CORPORATION

HOW IS THE MANAGEMENT COMMITTEE OF AN OWNERS' CORPORATION FORMED?

2.1 Owners may, in accordance with section 3, 3A, 4, or 40C of the Ordinance, convene a meeting of owners to form an owners' corporation and to appoint a management committee. In normal circumstances, a meeting of owners to appoint a management committee will be convened under section 3 of the Ordinance.

Section 3

2.2 A meeting of owners to appoint a management committee may be convened by — *Convening a meeting of owners. s. 3(1)*

(a) any person managing the building in accordance with the deed of mutual covenant (if any); or

(b) any other person authorized to convene such a meeting by the deed of mutual covenant (if any); or

(c) the owners of not less than 5% of the shares.

2.3 At a meeting convened under section 3(1), a management committee may be appointed — *Appointment of a management committee. s. 3(2)*

(a) in accordance with the deed of mutual covenant, if the deed provides for the appointment of a management committee; or

(b) if there is no deed of mutual covenant, or the deed contains no provision for the appointment of a management committee, by a resolution of the owners of not less than 30% of the shares.

Section 3A

2.4 When there are practical difficulties to appoint a management committee by following section 3, the owners may consider applying to the Secretary for Home Affairs, in accordance with section 3A, to make an order that a meeting of owners shall be convened by the applicant owners. This application has to be made by the owners of not less than 20% of the shares in the building. *Meeting by order of Secretary for Home Affairs. s.3A*

2.5 However, even when the Secretary for Home Affairs approves the application and makes the order in accordance with section 3A, the order will be of no effect if the Secretary for Home Affairs receives notice(s) of objection from owner(s) holding not less than 20% of the shares in the building not less than 7 days before the date of meeting.

2.6 At the meeting of owners convened under section 3A, a management committee can be appointed by a resolution passed by a majority of votes of the owners voting either personally or by proxy.

Section 4

2.7 Another method of convening a meeting of owners is by applying to the Lands Tribunal (Tribunal) to make an order that a meeting of the owners to appoint a management committee shall be convened by such owners as the Tribunal may direct. This application has to be made by the owners of not less than 10% of the shares in the building.

Meeting by order of Tribunal. s.4

2.8 At the meeting of owners convened under section 4, a management committee can be appointed by a resolution passed by a majority of votes of the owners voting either personally or by proxy.

Section 40C

2.9 Section 40C of the Ordinance is only applied when it appears to the Secretary for Home Affairs that mandatory building management is required for buildings with serious management and maintenance problems.

2.10 The Tribunal may, upon application of the Secretary for Home Affairs, order that a meeting of owners be convened by such owners as shall be named in the order to pass a resolution which appoints a management committee.

Meeting by order of Tribunal. s.40C(1)

2.11 At the meeting of owners convened under section 40C with a quorum of not less than 10% of the owners, a management committee or a building management agent can be appointed by a resolution passed by a majority of votes of the owners voting either personally or by proxy.

Quorum of meeting. s.40C(3)(a)

HOW TO SERVE THE NOTICE OF A MEETING OF OWNERS ?

2.12 For a meeting of owners convened under section 3, 3A, 4 or 40C, a notice of the meeting shall be served upon each owner and any person referred to in section 3(1)*(a)* or *(b)* not less than 14 days before the date of the meeting by the convenor(s).

Notice of meeting. s.5(1)

2.13 The convenor(s) may serve the notice personally upon each owner or by post addressed to each owner at his last known address, or by leaving the notice at the owner's flat or depositing the notice in his letter box. In addition, the convenor(s) is(are) also required to display the notice in a prominent place in the building and to publish the notice in a newspaper published in Hong Kong. A list of newspapers for such purpose specified by the Secretary for Home Affairs has been published in the Gazette. Owners can check the list in the District Offices, the Building Management Resource Centres or the Homepage on Building Management (at http://www.buildingmgt.gov.hk) of the Home Affairs Department.

How notice is given. s.5(2)

Notice published in newspaper. s.5(3)

2.14 The notice of a meeting shall specify the date, time and place of such meeting, the resolutions which are to be proposed in the meeting and, in particular, the resolution for the appointment of a management committee.

What notice must specify. s.5(4)

VOTING AT A MEETING OF OWNERS

2.15 At a meeting convened under section 3, 3A, 4 or 40C —

(a) each owner shall, save where the deed of mutual covenant otherwise provides, have one vote in respect of each share which he owns;

(b) a vote may be cast either personally or by a proxy appointed in accordance with paragraph 4(2) of the Third Schedule; and

(c) if a share is jointly owned by 2 or more persons, the vote in respect of that share may be cast —

(i) by a proxy jointly appointed by the co-owners; or

(ii) by one co-owner appointed by the others; or

(iii) if no appointment has been made under subparagraph (i) or (ii), then either personally or by proxy by one of the co-owners; and, in the case of any meeting where more than one of the co-owners seeks to cast a vote in respect of the share, only the vote that is cast, in person or by proxy, by the co-owner whose name, in order of priority, stands highest in relation to that share in the register kept at the Land Registry shall be treated as valid.

Voting by owners or by proxy. s.5(5)

2.16 To vote by proxy, an owner must make sure that he appoints a proxy in writing to vote on his behalf, and that the instrument appointing the proxy is lodged with the person or one of the persons, as the case may be, who convenes the meeting not less than 24 hours before the time for the holding of the meeting at which the proxy proposes to vote, or within such lesser time as the person presiding at the meeting shall allow.

Procedure in regard to instrument appointing proxy. s.5(6)

2.17 For the purposes of the application of section 5 (notice of and voting at meetings) to meetings held under section 40C —

Application of s.5 to meetings held under s.40C. s.5A

(a) the references in section 5 to an "owner" shall be construed as references to a person who is an owner of any particular percentage of the total number of shares into which the building is divided;

(b) section 5(5)*(a)* shall apply to a meeting to be held under section 40C, as if the words "shall have one vote" were substituted for "shall, save where the deed of mutual covenant otherwise provides, have one vote in respect of each share which he owns";

(c) section 5(5)*(c)* shall apply as if it were deleted and the following substituted —

"*(c)* in the case of joint ownership, the vote may be cast —

(i) by a proxy jointly appointed by the co-owners;

(ii) by one co-owner appointed by the others; or

(iii) if no appointment has been made under subparagraph (i) or (ii), then either personally or by proxy by one of the co-owners; and, in the case of any meeting where more than one of the co-owners seeks to cast a vote, only the vote that is cast, in person or by proxy, by the co-owner whose name, in order of priority, stands highest in the register kept at the Land Registry shall be treated as valid.".

2.18 Schedule 11 (Appendix VII) shall have effect with respect to the enumeration of the percentage of owners referred to in the provisions of the Ordinance specified in that Schedule in the case where, in those provisions as so specified, a reference to a percentage of the owners is —

Enumeration of owners. s.5B

(a) to be construed as a reference to the total expressed percentage of the number of persons who are owners without regard to their ownership of any particular percentage of the total number of shares into which the building is divided; and

(b) not to be construed as the owners of the total expressed percentage of the shares.

HOW THE CHAIRMAN, VICE-CHAIRMAN (IF POST SPECIFIED IN DMC), SECRETARY, TREASURER AND MEMBERS OF THE MANAGEMENT COMMITTEE ARE APPOINTED ?

2.19 The number of persons to be appointed as members of the management committee depends on the number of flats in the building. At the meeting for appointment of the management committee, the owners will choose the members and appoint the office holders for the posts of chairman, vice-chairman (if post specified in DMC), secretary and treasurer. Details of the composition and procedure of the management committee are expressly provided in the Second Schedule to the Ordinance (Appendix I).

Composition of management committee; rules and procedure governing its operation. Second Schedule

HOW ABOUT TENANTS ?

2.20 Tenants are entitled to form an association to represent their interests. In order to elect among themselves one representative (the tenants' representative) for appointment to the management committee, the association has to be approved by the Secretary for Home Affairs or an authorized officer under section 15 as an "approved association".

Tenants' representative as member of management committee. s.15

CAN THE OFFICE HOLDERS OF A MANAGEMENT COMMITTEE RECEIVE ALLOWANCE ?

2.21 The chairman, vice-chairman, secretary, treasurer and other office holders of the management committee may receive an allowance approved by the corporation by resolution passed at a general meeting. The maximum amount per month for each office holder will be —

(a)	For a building of not more than 50 flats:	$ 600
(b)	For a building of 51-100 flats:	$ 900
(c)	For a building of more than 100 flats:	$ 1,200

Allowance for office holders of management committee. s.18 and Fourth Schedule

HOW IS A CORPORATION REGISTERED ?

2.22 Within 28 days of appointment, the management committee must apply to the Land Registrar for the owners to be registered as a corporation under the Ordinance. Their application shall be in a specified form and must enclose —

(a) a copy of the registered deed of mutual covenant of the building if there is one;

(b) the original whole page of the newspaper containing the notice;

Management committee to apply for registration of owners as a corporation. s.7

(c) a copy of the resolution or other document certified as correct by the chairman or secretary of the management committee or by the chairman of the meeting at which the resolution was passed; and

(d) a declaration by the chairman or secretary of the management committee, in such form as the Land Registrar may specify, that the provisions of section 3, 3A, 4 or 40C and relevant provisions in section 5, 5A or 5B of the Ordinance have been complied with.

2.23 Where the meeting of owners is held following an application to the Secretary for Home Affairs, a copy of the order of the Secretary for Home Affairs must also be enclosed. s.7(3)(aa)

2.24 Where the meeting of owners is held following an application to the Lands Tribunal, a copy of the order of the Tribunal must also be enclosed. s.7(3)(b)

2.25 If the Land Registrar is satisfied that all is in order, he will register the owners as a corporation. Land Registrar to register owners' corporation. s.8

2.26 Generally, the expenses incurred for the formation of the corporation can be reimbursed by the management committee of the registered corporation.

OBTAINING OF FURTHER INFORMATION AND THE NECESSARY FORMS

2.27 Copies of the specified forms for registration of owners' corporation can be obtained from the Reports-on-Title and Owners Incorporation Section of the Land Registry (3rd floor, Marina House, 68 Hing Man Street, Sai Wan Ho, Hong Kong) or the offices of the Land Registry in New Territories. Copies of the specified forms for changes in particulars of owners' corporations can be obtained from the Central Search Office of the Land Registry (19th floor, Queensway Government Offices), the Reports-on-Title and Owners Incorporation Section or the offices of the Land Registry in New Territories. The above forms can also be downloaded from the Land Registry's web site at http://www.info.gov.hk/landreg/.

Appendix I SECOND SCHEDULE TO THE BUILDING MANAGEMENT ORDINANCE

COMPOSITION AND PROCEDURE OF MANAGEMENT COMMITTEE

1. The management committee shall —

   (a) if there is no deed of mutual covenant or the deed does not specify the number of persons which is to constitute the management committee —

   (i) consist of not less than 3 persons where the building contains not more than 50 flats; or

   (ii) consist of not less than 7 persons where the building contains more than 50 flats but not more than 100 flats; or

   (iii) consist of not less than 9 persons where the building contains more than 100 flats; or

   (b) if there is a deed of mutual covenant which specifies the number of persons which is to constitute the management committee, and that number is greater than the minimum number of persons specified in subparagraph *(a)*(i), (ii) or (iii) in respect of the number of flats referred to in those sub-subparagraphs, consist of that greater number of persons; or

   (c) if there is a deed of mutual covenant which specifies the number of persons which is to constitute the management committee, but that number is less than the minimum number of persons specified in subparagraph *(a)*(i), (ii) or (iii) in respect of the number of flats referred to in those sub-subparagraphs, consist of not less than the number of persons specified in subparagraph *(a)*(i), (ii) or (iii), as the case may be; and

   (d) include the tenants' representative (if any) appointed under section 15(1).

1A. In paragraph 1, "flats" (單位) does not mean any garage, carpark or carport.

2. (1) Subject to subparagraph (2), the owners shall, at a meeting convened under section 3, 3A, 4 or 40C —

   (a) appoint —

   (i) in the case of a meeting convened under section 3, from amongst themselves, or in accordance with the deed of mutual covenant (if any), the members of the management committee; or

   (ii) in any other case, from amongst themselves, the members of the management committee;

   (b) appoint a chairman of the management committee, being one of the persons appointed as a member of the management committee;

   (c) appoint a vice-chairman of the management committee if that office (howsoever named) is specified in a deed of mutual covenant (if any), being one of the persons appointed as a member of the management committee;

(d) appoint a secretary of the management committee who may, but need not be, one of the persons appointed as a member of the management committee;

(e) appoint a treasurer of the management committee who may, but need not be, one of the persons appointed as a member of the management committee,

and may, at such meeting, appoint (in addition to the holders of the offices referred to in sub-subparagraphs *(b)*, *(c)*, *(d)* and *(e)*) one or more members of the management committee to hold such other offices as may be specified in the deed of mutual covenant (if any) and which the owners determine to be necessary in respect of the control, management and administration of the building.

(2) The tenants' representative appointed under section 15(1) shall be deemed to be appointed by the owners as a member of the management committee.

3. Subject to section 14 and paragraph 4, the members of the management committee appointed at a meeting convened under section 3, 3A, 4 or 40C shall hold office until a new management committee is appointed and assumes office at the second annual general meeting of the corporation.

4. (1) No person shall be appointed, or be deemed to be appointed, as a member of a management committee who —

(a) has been declared bankrupt;

(b) has entered into composition with his creditors;

(c) has at any time been sentenced to imprisonment for 3 months or more.

(2) A member of a management committee shall cease to be a member of the committee if he —

(a) becomes disqualified for appointment as a member of a management committee under sub-paragraph (1);

(b) becomes incapacitated by physical or mental illness;

(c) absents himself from 3 or more consecutive meetings of the management committee without the consent of the management committee;

(d) resigns his office, by notice in writing delivered to the secretary of the management committee;

(da) in the case of a person deemed to be appointed under paragraph 2(2) in his capacity as the tenants' representative, ceases to be an occupier of a flat;

(e) ceases to be an owner, if appointed in his capacity as an owner, or ceases to be qualified to be a member according to the deed of mutual covenant (if any), as the case may be; or

(f) is removed from office by resolution of the corporation.

5. (1) At the second annual general meeting of a corporation convened in accordance with paragraph 1(1)*(b)* of the Third Schedule and thereafter at every alternate annual general meeting, all members of the management committee, other than the member (if any) deemed to be appointed under paragraph 2(2) in his capacity as the tenants' representative, shall retire from office.

(2) At an annual general meeting of a corporation at which the management committee retires under sub-paragraph (1) the corporation shall, in accordance with this Ordinance, appoint —

(a) a new management committee which shall include the tenants' representative (if any) appointed under section 15(1);

(b) a chairman of the management committee;

(ba) a vice-chairman of the management committee if that office (howsoever named) is specified in a deed of mutual covenant (if any);

(c) a secretary of the management committee, if the office of secretary of the management committee is vacant;

(d) a treasurer of the management committee, if the office of treasurer of the management committee is vacant,

and may, at such annual general meeting, appoint (in addition to the holders of the offices referred to in sub-subparagraphs *(b)*, *(ba)*, *(c)* and *(d)*) one or more members of the management committee to hold such other offices as may be specified in the deed of mutual covenant (if any) and which the corporation determines to be necessary in respect of the control, management and administration of the building.

(3) Members of the management committee who retire under sub-paragraph (1) shall be eligible for re-appointment under sub-paragraph (2).

5A. A member of a management committee who ceases to be a member of the committee under paragraph 4(2) or retires from office under paragraph 5(1) and does not seek re-appointment to the committee shall, within 14 days of his ceasing to be a member or of his retirement, as the case may be, hand over to the secretary or, if the secretary is not readily available, any other member of the management committee any books or records of account, papers, documents and other records in respect of the control, management and administration of the building together with any movable property belonging to the corporation that are under his control or in his custody or possession.

6. (1) Subject to subparagraphs (1A) and (1B), a casual vacancy occurring in a management committee may be filled by the management committee.

(1A) A casual vacancy caused by the tenants' representative ceasing to be a member of the management committee for whatever reason may be filled by the approved association (within the meaning of section 15(2)) appointing a new tenants' representative under section 15(1).

(1B) If a casual vacancy occurs in the office of the chairman or vice-chairman (if any) of a management committee —

(a) the corporation may, by a resolution passed at a general meeting of the corporation convened by the management committee for that purpose under paragraph 1(1)*(c)* of the Third Schedule, appoint an owner to fill the vacancy till the next annual general meeting of the corporation; or

(b) in the case where no general meeting of the corporation has been so convened, the members of the management committee may instead appoint from amongst themselves an owner to act as chairman or vice-chairman, as the case may be, till the next annual general meeting of the corporation.

(2) If a casual vacancy occurs in any other office of a management committee, the management committee may appoint an owner or any other person to fill the vacancy till the next annual general meeting.

7. A management committee shall meet at least once in every period of 3 months.

8. (1) A meeting of a management committee —

(a) may be convened at any time by the chairman or the vice-chairman (if any) in the absence of the chairman; and

(b) shall be convened by the secretary, at the request of any 2 members thereof, within 14 days of receiving such request.

(2) Notice of a meeting of the management committee shall be served by the secretary upon each member of the management committee at least 7 days before the date of the meeting and every such notice shall specify the place, date and time of such meeting and the resolutions (if any) that are to be proposed.

(2A) Service of a notice required to be served under subparagraph (2) may be effected —

(a) personally upon the member of the management committee; or

(b) by post addressed to the member of the management committee at his last known address; or

(c) by leaving the notice at the member's flat or depositing the notice in his letter box.

(3) If a management committee resolves that it shall meet at specified intervals and the resolution specifies the place, dates or days and times of such meetings, the secretary shall serve a copy of such resolution, and a copy of any subsequent resolution of the management committee affecting the same, upon each member of the management committee by such means as are referred to in subparagraph (2A)*(a), (b)* or *(c)*, and subparagraph (2) shall not apply in the case of any such meeting.

9. The quorum at a meeting of the management committee shall be 50% of the members of the management committee (rounded up to the nearest whole number) or 3 such members, whichever is the greater.

10. (1) A meeting of a management committee shall be presided over by —

(a) the chairman; or

(aa) in the absence of the chairman, the vice-chairman (if any); or

(b) in the absence of the chairman and the vice-chairman (if any), a member appointed as chairman for that meeting by the management committee.

(2) All acts, matters or things authorized or required to be done by the management committee may be decided by a resolution passed by a majority of the votes of members of the management committee present at a meeting of the management committee.

(3) At a meeting of the management committee, each member present shall have one vote on a question before the committee and if there is an equality of votes the person presiding over the meeting shall have, in addition to a deliberative vote, a casting vote.

(4) The secretary shall keep minutes of the proceedings at every meeting of a management committee.

(4A) The minutes referred to in subparagraph (4) shall be certified by the person presiding over the meeting as containing a true record of the proceedings of the meeting of the management committee to which they relate.

(4B) The minutes certified in accordance with subparagraph (4A) shall, within 28 days of the date of the meeting of the management committee to which they relate, be displayed by the secretary in a prominent place in the building.

(5) Subject to this Ordinance, the procedure at meetings of a management committee shall be as is determined by the management committee.

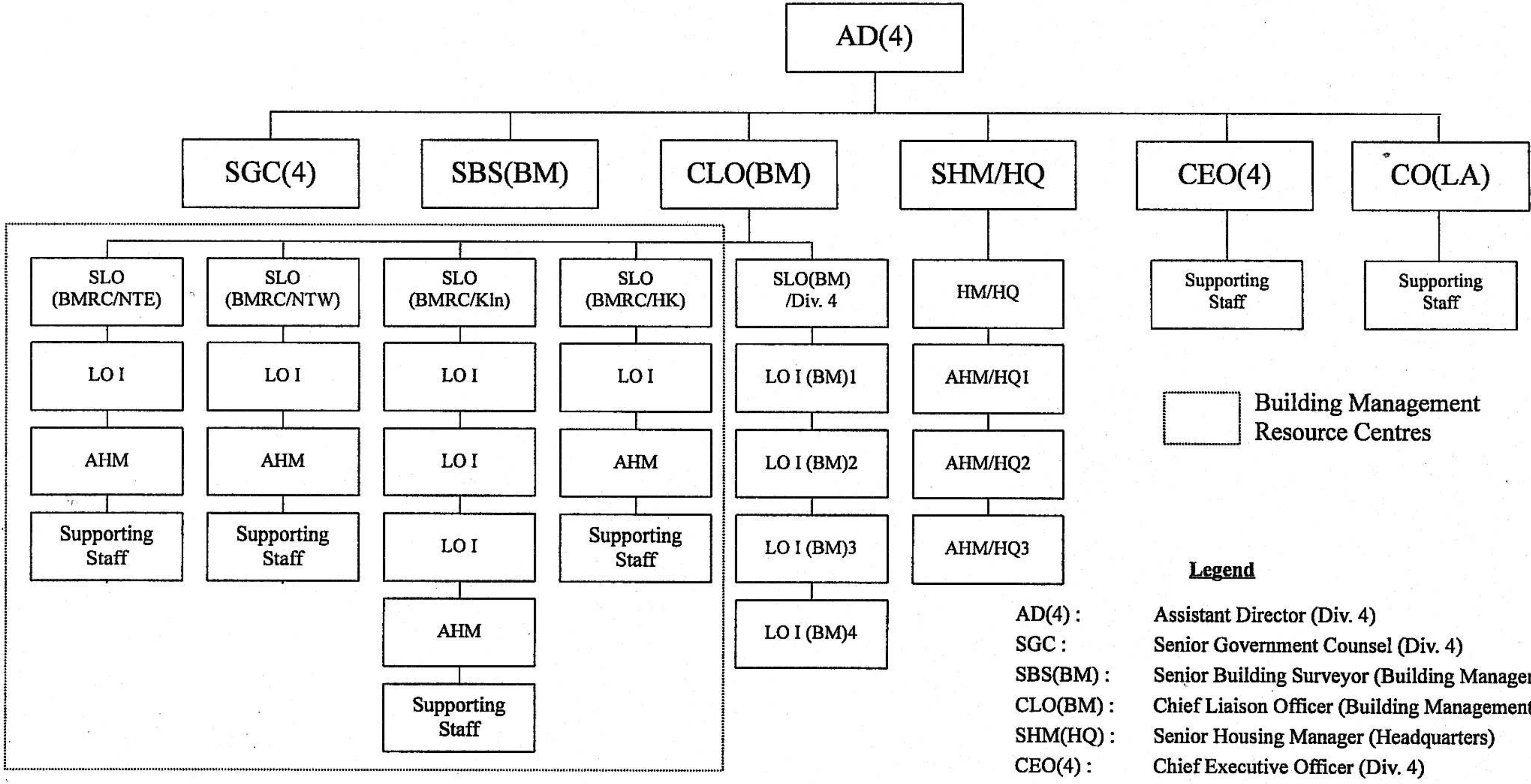
11. (1) Notwithstanding any provision in a deed of mutual covenant to the contrary, where an owner or other person, being a body corporate, is appointed as a member of a management committee under this Schedule that body corporate may appoint a director or other officer of that body or some other individual to act as its representative ("authorized representative" (獲授權代表)) for the purposes of this Ordinance as if the authorized representative were a member of the management committee in his own right and, if so appointed, paragraph 4(2)*(a)*, *(b)*, *(c)*, *(d)* and *(f)* shall apply to the authorized representative.

(2) If an authorized representative ceases to be a member of a management committee under paragraph 4(2)*(a)*, *(b)*, *(c)*, *(d)* or *(f)* the body corporate may appoint another authorized representative in his place.

12. In the event of any inconsistency between this Schedule and the terms of a deed of mutual covenant or any other agreement, this Schedule shall prevail.

Annex 3

Organisational Chart of Division IV (Building Management Division) of HAD Headquarters



Legend

AD(4) :	Assistant Director (Div. 4)
SGC :	Senior Government Counsel (Div. 4)
SBS(BM) :	Senior Building Surveyor (Building Management)
CLO(BM) :	Chief Liaison Officer (Building Management)
SHM(HQ) :	Senior Housing Manager (Headquarters)
CEO(4) :	Chief Executive Officer (Div. 4)
CO(LA) :	Chief Officer (Licensing Authority)
SLO :	Senior Liaison Officer
HM :	Housing Manager
LO I :	Liaison Officer I
LO II :	Liaison Officer II
AHM :	Assistant Housing Manager

Manpower Deployment of the Building Management Resource Centres

Post	**BMRC (HK)**	**BMRC (Kln)**	**BMRC (NTW)**	**BMRC (NTE)**	***Total***
SLO	1	1	1	1	***4***
LO I	1	3	1	1	***6***
AHM	1	1	1	1	***4***
ACO	0	1	0	0	***1***
CA	2	2	1	1	***6***
Total	***5***	***8***	***4***	***4***	***21***

<u>Legend</u>

SLO : Senior Liaison Officer
LO I : Liaison Officer I
AHM : Assistant Housing Manager
ACO : Assistant Clerical Officer
CA : Clerical Assistant

Source : HAD

Annex 5

HAD's Service Leaflet on the BMRCs

大廈管理資源中心

Building Management Resource Centre



工作目標

民政事務總署為改善大廈管理服務，在香港、九龍及新界西設立了大廈管理資源中心，為大廈業主、住客、業主立案法團、互助委員會和管理團體提供資訊、服務和意見，協助他們改善樓宇的管理、安全和維修保養的水平。

Objectives

The Home Affairs Department has established Building Management Resource Centres in Hong Kong, Kowloon and New Territories West to enhance its services on building management. The Centres provide information, services and advice to building owners, residents, Owners' Corporations, Mutual Aid Committees and management bodies so as to assist them in improving the standards of management, safety and maintenance of their buildings.

民政事務總署大廈管理網站
HAD Building Management Website
http://www.buildingmgt.gov.hk

民政事務總署
Home Affairs Department

服務和設施

提供意見

中心職員負責就一般大廈管理問題，提供意見。

以下專業團體派員到中心，以預約方式免費提供專業意見：

- 香港律師會
- 香港會計師公會
- 香港測量師學會
- 香港物業管理公司協會
- 香港工程師學會
- 香港房屋經理學會
- 香港建築師學會

提供資訊

- 中心存備了與大廈管理有關的各類資料，供使用者參考。
- 在電腦輔助設備、互動資訊系統和視聽裝置的輔助下，訪客可以自助形式取得所需資料。
- 中心內陳列了特別設計的展板，用以推廣大廈管理的知識。

提供服務

- 中心提供初步調解服務，但不會作法律仲裁，也不會進行外展工作。
- 中心舉辦各類大廈管理宣傳活動，或在其他部門舉辦與大廈管理有關的活動時，協助宣傳。
- 中心為市民舉辦研討會和工作坊，以推廣有效大廈管理的概念。

Services and Facilities

Advice

General advice on building management matters are provided by the Centres' staff.

Free professional advice are provided by members of the following professional bodies by appointments:

- The Law Society of Hong Kong
- Hong Kong Society of Accountants
- The Hong Kong Institute of Surveyors
- The Hong Kong Association of Property Management Companies
- Hong Kong Institution of Engineers
- The Hong Kong Institute of Housing
- The Hong Kong Institute of Architects

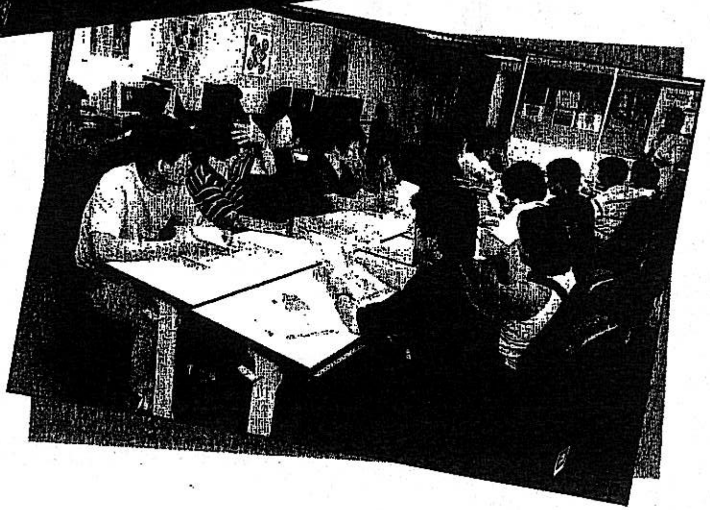
Information

- A wide range of building management-related information is kept in the Centres for users' reference.
- With the assistance of computer-aided equipment, Interactive Information System and audio-visual installations, visitors can obtain the required information on a self-help basis.
- Uniquely designed exhibition boards are displayed at the Centres to promote building management knowledge.

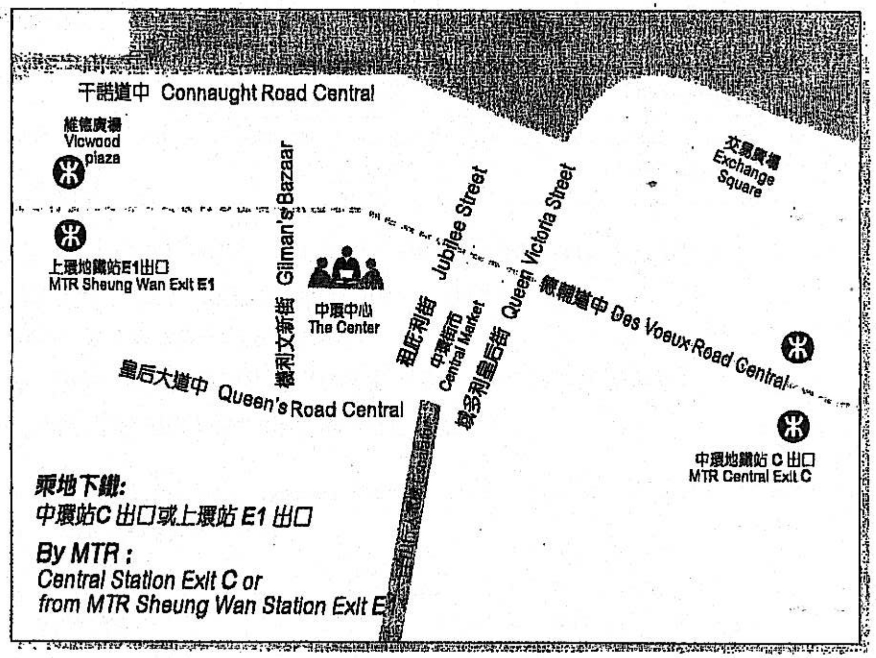
Services

- Basic mediation will be provided at the Centres but legal arbitration and outreach work will be excluded.
- The Centres launch building management publicity campaigns or assist other government departments in promoting their campaigns related to building management.
- The Centres organise seminars and workshops for the public to promote effective building management.





大廈管理資源中心（香港）
Building Management Resource Centre (Hong Kong)



香港中環皇后大道中99號中環中心地下5室

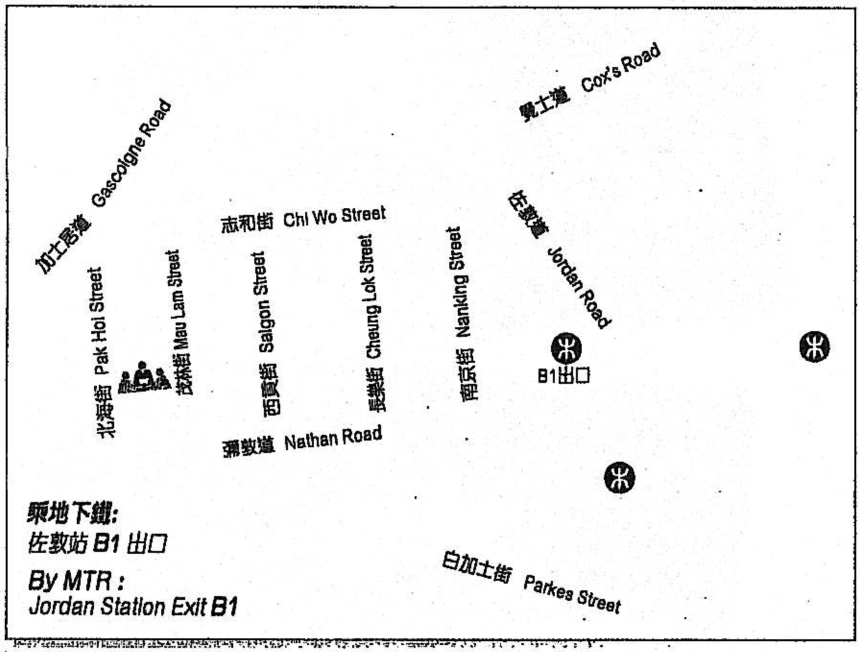
Unit 5, G/F, The Center, 99 Queen's Road Central, Hong Kong

電話Tel: 2186 8111 傳真Fax: 2189 2815

電子郵件信箱 Email Address: bmrc_hk@had.gov.hk

開放時間 Opening Hours	星期一、星期三及星期五 Monday, Wednesday and Friday	上午十時至下午六時三十分 10 am to 6.30 pm
	星期二及星期四 Tuesday and Thursday	上午十時至晚上十時 10 am to 10 pm
	星期六 Saturday	上午十時至下午二時 10 am to 2 pm
	星期日及公眾假期 Sunday and Public Holiday	休息 Closed

大廈管理資源中心（九龍）
Building Management Resource Centre (Kowloon)



九龍油麻地茂林街2號地下

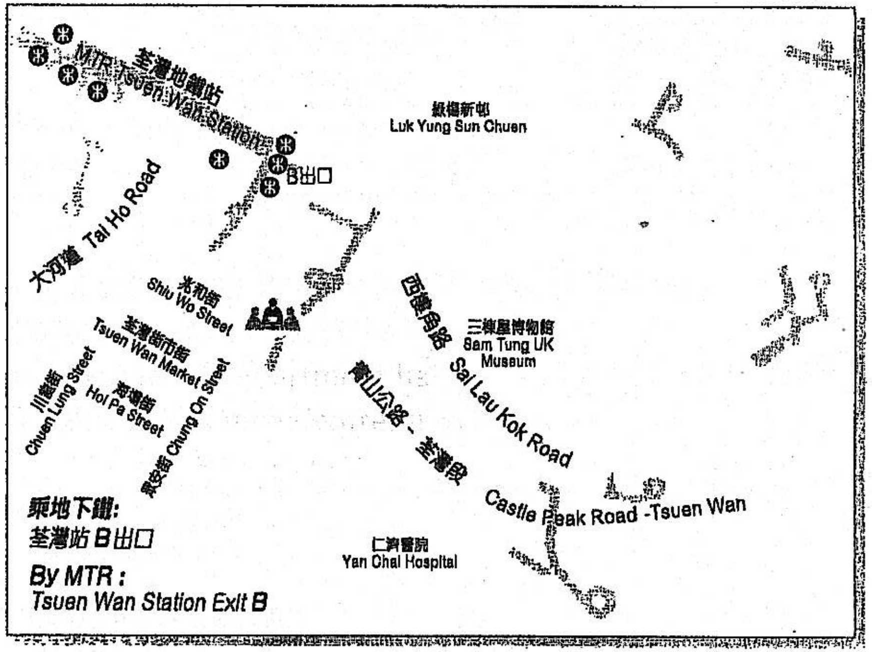
G/F, 2 Mau Lam Street, Yau Ma Tei, Kowloon

電話Tel: 2332 9113 傳真Fax: 2332 7717

電子郵件信箱 Email Address: hadbmrc@had.gcn.gov.hk

開放時間 Opening Hours		
	星期二、星期三及星期四 Tuesday, Wednesday and Thursday	上午十時至下午六時三十分 10 am to 6.30 pm
	星期一及星期五 Monday and Friday	上午十時至晚上十時 10 am to 10 pm
	星期六 Saturday	上午十時至下午二時 10 am to 2 pm
	星期日及公眾假期 Sunday and Public Holiday	休息 Closed

大廈管理資源中心（新界西）
Building Management Resource Centre (New Territories West)



新界荃灣眾安街4號周合成大廈1樓

1/F, Chau Hop Shing Building, 4 Chung On Street,

Tsuen Wan, New Territories

電話 Tel：2614 6272 傳真 Fax：2612 4117

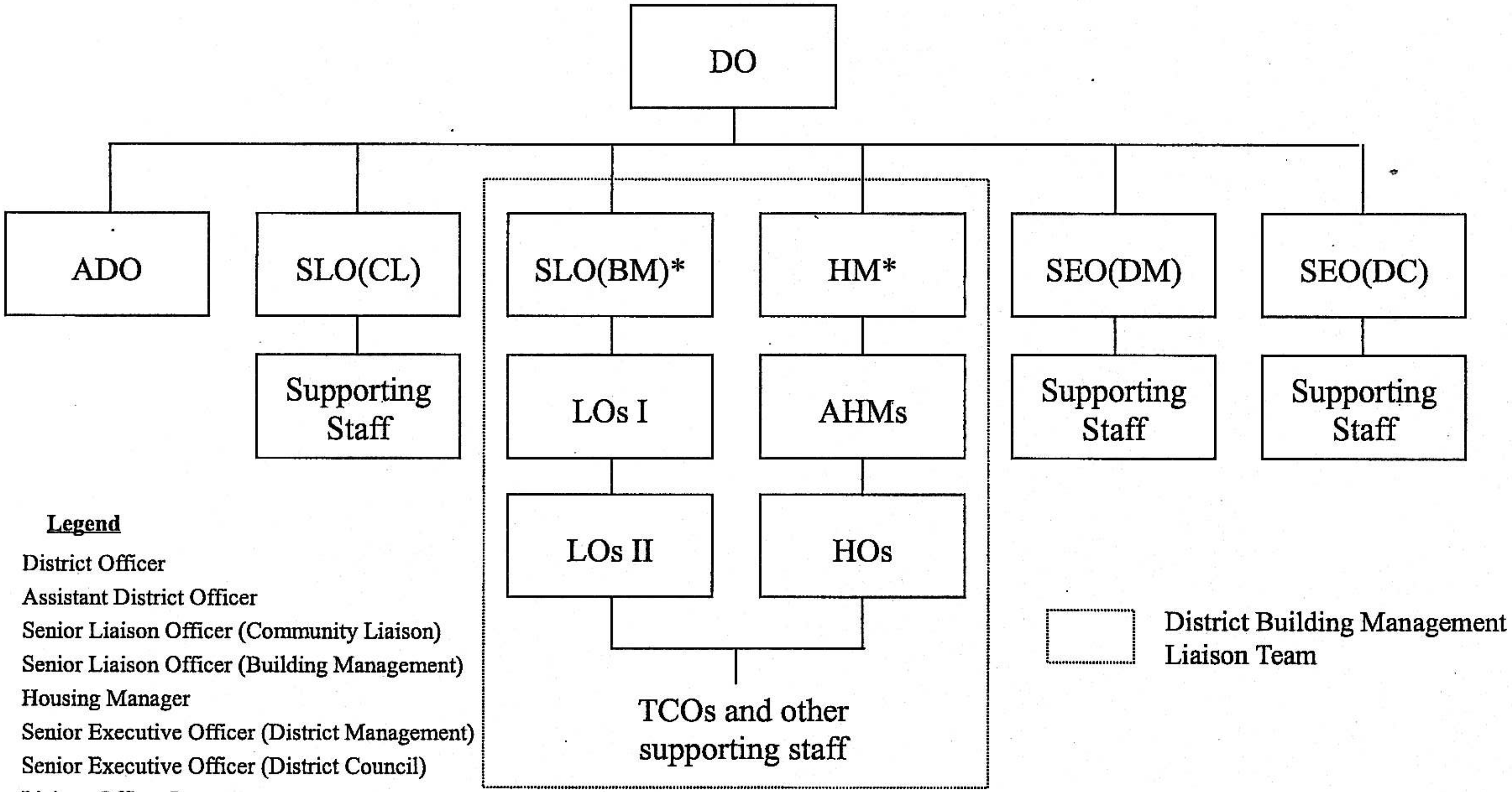
電子郵件信箱 Email Address: bmrc_nt@had.gov.hk

開放時間 Opening Hours		
	星期一、星期三及星期四 Monday, Wednesday and Thursday	上午十時至下午六時三十分 10 am to 6.30 pm
	星期二及星期五 Tuesday and Friday	上午十時至晚上十時 10 am to 10 pm
	星期六 Saturday	上午十時至下午二時 10 am to 2 pm
	星期日及公眾假期 Sunday and Public Holiday	休息 Closed

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(採用環保油墨及取材自可再生林木的纸張印製)
Printed by the Printing Department
(Printed with environmentally friendly ink on paper made

Annex 6

Organisational Chart of a Typical District Office



Legend

DO :	District Officer
ADO :	Assistant District Officer
SLO(CL) :	Senior Liaison Officer (Community Liaison)
SLO(BM) :	Senior Liaison Officer (Building Management)
HM :	Housing Manager
SEO(DM) :	Senior Executive Officer (District Management)
SEO(DC) :	Senior Executive Officer (District Council)
LO I :	Liaison Officer I
LO II :	Liaison Officer II
AHM :	Assistant Housing Manager
HO :	Housing Offices
TCO :	Temporary Community Organiser

* District Offices in Category D do not have SLO and HM.

Manpower Deployment of District Building Management Liaison Teams

Post	Category A	Category B	Category C	Category D
SLO	1	1	1	0
LO I	3	1	1	1
LO II	6	3	3	2
HM	1	1	1	0
AHM	1	2	1	1
HO	2	2	2	1
Total no. of staff in each district	14	10	9	5
Total no. of districts in each category	5	4	6	3

Category A - Urban districts with predominantly older private buildings and large number of target buildings still on the active list.

Central and Western
Kowloon City
Shum Shui Po
Wanchai
Yau Tsim Mong

Category B - Urban and extended urban districts with newer private buildings than Category A.

Eastern
Kwun Tong
Kwai Tsing
Tsuen Wan

Category C - Districts generally with newer buildings and few target buildings.

Wong Tai Sin
Southern
Tuen Mun
Yuen Long
Tai Po
Shatin

Category D - Districts currently with no BMCT and generally few building management problems.

North
Sai Kung
Islands

Job Description of Temporary Community Organiser

(i) To assist existing Mutual Aid Committees and Owners Corporations in multi-storey buildings in furthering their interests in environmental problems and public affairs and organising members to form effective social groups for community work;

(ii) To form Mutual Aid Committees/Owners Corporations in multi-storey buildings, including residential, industrial and commercial buildings, schools, villages or among groups of people;

(iii) To encourage and assist Mutual Aid Committees in multi-storey buildings to form themselves into permanent bodies such as Multi-storey Building Owners Corporations;

(iv) To keep comprehensive work records under the instructions and guidance of District Office staff;

(v) To assist in the registration of Mutual Aid Committees;

(vi) To assist District Office staff in resolving matters relating to building management when required;

(vii) To promote community involvement in the Fight Crime Campaign, Clean Hong Kong Campaign and other campaigns in such manner as directed by the District Officer/Assistant District Officer;

(viii) To assist in surveys as and when required;

(ix) To provide feedback and sound out public opinion;

(x) To assist in the supervision of activities and management of community centres and halls; and

(xi) To handle any other appropriate duties assigned.

民政事務總署社區幹事之職責

（一） 協助多層大廈現有之互助委員會及業主立案法團增進對環境問題及公共事務之興趣，以及組織該等委員會與法團之會員，成立幹練之社團小組，從事社區工作；

（二） 在各類多層大廈，包括住宅，工業及商業樓宇，學校，鄉村或團體成立互助委員會及業主立案法團；

（三） 鼓勵及協助多層大廈之互助委員會成立多層大廈業主立案法團等永久性團體；

（四） 依照民政事務處職員之指示，保存完備之工作紀錄；

（五） 協助互助委員會之註冊事宜；

（六） 在有需要時，協助民政事務處職員解決有關樓宇管理之問題；

（七） 依照民政事務專員／民政事務助理專員之指示，鼓勵市民參與撲滅罪行運動，清潔香港運動及其他運動；

（八） 在有需要時，協助進行調查研究工作；

（九） 轉達市民之意見及反應；

（十） 協助推行社區中心及社區會堂之活動及其管理工作；及

（十一）處理任何其他指定之適當工作。

A List of HAD Publications with Information on Formation of Owners' Corporations

Booklets

1. How to form an Owners' Corporation and achieve effective building management

2. Building Management

3. Booklet on the information contained in the exhibition panels on the Building Management (Amendment) Ordinance 2000

VCDs / Video Tapes

4. Formation of an Owners' Corporation

Information Sheets

5. A list of newspapers specified by the Secretary for Home Affairs for the purpose of convening a meeting of owners

A List of Reference Materials available at the Building Management Resource Centres

- Publications from Home Affairs Bureau / Home Affairs Department
- Publications from Other Government Departments
- Publications from Independent Advisory Bodies / Commissions / Councils
- Publications from Professional Bodies
- Directories of Professionals
- Directories of Registered Contractors / Licensed Bodies
- Ordinances
- Case Judgments
- Government Press Releases
- Legislative Council's Questions
- Samples / Forms
- Codes of Practice / Guides / Rules
- Video Tapes
- CD-ROMs / VCDs
- Newspapers Cuttings
- Literature / Books on Building Management
- Others

A List of Information contained in HAD Website on Building Management

Website : http://www.buildingmgt.gov.hk

1. **Policy Objective for Home Affairs Bureau**

2. **Role and Services**
   - Purpose and objectives of the dedicated homepage on building management
   - Role of Home Affairs Department in private building management
   - Services provided by Home Affairs Department in the formation of Owners' Corporations
   - Formation procedures of an owners' corporation and Guidance Notes for Applications under Section 3A of the Building Management Ordinance (BMO)
   - Support to the owners and Owners' Corporations
   - Support for improvement works to buildings

3. **Legislation**
   - Building Management Ordinance, Chapter 344
   - Building Management (Amendment) Ordinance 2000
   - A brief on the Building Management (Amendment) Ordinance 2000
   - Code of Practice issued by Secretary for Home Affairs under Section 44 of the Building Management Ordinance
   - List of building management agents compiled by Secretary for Home Affairs for purposes of Section 40B(3) of the Building Management Ordinance and published in the Gazette
   - A list of newspapers specified by the Secretary for Home Affairs for the purpose of convening a meeting of owners

4. **Reference Materials**
   - Building Management booklets
   - Publications from Building Management seminars by Home Affairs Department Headquarters

5. **Building Management Resource Centres**

- Objectives
- Services and facilities
- Locations and opening hours
- List of Reference Materials available at the Building Management Resource Centres

6. **Bulletin Board**

- Forms for download by the public
- Activities organized by other departments relating to building management
- List of registered contractors in the fields of building maintenance/repairs, electrical safety and fire safety (Buildings Department / Electrical and Mechanical Services Department / Fire Services Department)
- List of Authorized Persons / Registered Structural Engineers Interested in Providing Services in Building Safety (Buildings Department)
- List of building management agents compiled by Secretary for Home Affairs for purposes of Section 40B(3) of the Building Management Ordinance and published in the Gazette (Home Affairs Bureau)
- Building management related bodies
- Other government bureau and departments

7. **What's New**

- Speeches
- Press releases
- New initiatives
- Activities
- First Regional Conference on Private Building Management Hong Kong 2002

8. **Enquiry Services**

9. **Database of Private Buildings in Hong Kong**

Information captured in HAD Database of Private Buildings in Hong Kong

Home Affairs Department

Database of Private Buildings in Hong Kong

Search Building | List All Buildings | Help | 中文 | Text Only

District :	
Name of Building :	
Name of Estate :	
Name of Street :	
No. of Storeys :	
No. of Units :	
Year Built :	
Age of Building :	
Residents' Organization :	You can choose more than one field ☐ Incorporated Owners ☐ Owners' Committee ☐ Mutual Aid Committee ☐ Others ☐ Without Organization
Building Management Bodies :	You can choose more than one field ☐ Incorporated Owners ☐ Owners' Committee ☐ Mutual Aid Committee ☐ Others ☐ Without Management Body
	Search

Back

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Annex 13

Enquiries received by BMRCs (April 1999 to March 2002)

Enquiries Received by BMRCs	Financial Matters	Formation Procedure of OC	Building Maintenance	Unauthorized Building Works (UBW)	Security	Manager/ OC/MAC/ MC	Provision of DMC/BMO	BMRC	Fire Safety	Water Seepage	Tribunal	Other Gov't Dept.	Code of Practice	Keeping Dogs	Dangerous Slopes	Advertising Signs	Disputes	Insurance	Employment	Total
Kln (1/4/99 - 31/3/02)	1947	2211	2464	653	607	3548	13170	9283	326	881	844	316	1626	45	38	110	956	2	53	39080
HK (1/2/00 - 31/3/02)	888	972	1770	408	304	2575	4597	5240	144	308	568	51	611	12	26	57	3	5	112	18651
NTW (12/6/01 - 31/3/02)	144	128	173	56	34	232	484	3387	26	58	21	87	72	4	3	5	112	0	21	5047
Total	2979	3311	4407	1117	945	6355	18251	17910	496	1247	1433	454	2309	61	67	172	1071	7	186	62778

Source: HAD

Annex 14

Advice/Assistance and Complaints handled by District Building Management Liaison Teams (April 1999 to March 2002)

		Problems on Building Management Involving	4/1999 - 3/2000 No. of Cases received		4/2000 - 3/2001 No. of Cases received		4/2001 - 3/2002 No. of Cases received		Total No. of Cases received	
			On Complaint	Advice / Assistance	On Complaint	Advice / Assistance	On Complaint	For Advice / Assistance	On Complaint	For Advice / Assistance
I.		Owners' Corporation :								
	a)	Financial matters (e.g. increase in management fees, queries on expenditure, etc.)	206	915	99	916	154	1,806	459	3,637
	b)	Building maintenance (e.g. common utilities, cleanliness, major renovation, etc.)	332	1,556	230	1,623	295	3,428	857	6,607
	c)	Security (e.g. man-hour coverage, quality of security guards, etc.)	66	273	27	242*	23	396	116	911
	d)	Allegation against office bearers (e.g. differential treatments, tolerating commercial/industrial activities in residential building & vice versa)	171	432	116	416	172	1,477	459	2,325
II.		Deed of Mutual Covenant :								
	a)	Difficulties over interpretation	18	184	6	195	1	276	25	655
	b)	Unfair clauses concerning								
	i)	tenure of initial management company	18	68	2	39	0	80	20	187
	ii)	delineation of common area	29	110	6	107	2	133	37	350
	iii)	extent of management company's power	32	124	10	58	0	69	42	251
	iv)	ineffective owners' committee	41	82	13	65	3	117	57	264
	v)	unfair apportionment of management fee	21	100	4	65	1	90	26	255
	vi)	hindrance on the formation of OC	15	76	0	54	0	75	15	205
	c)	Contravention of DMC provisions	3	31	6	46	10	229	19	306
III.		Other Related Problems	38	237	11	141	148	532	197	910
		TOTAL :	990	4,188	530	3,967	809	8,708	2,329	16,863

*Each case should be counted only once i.e. it should be classified either as a case 'On Complaint' or 'For Advice/Assistance'.

Source: HAD

Consolidated Progress Report on OC Formation (May 2002)

District	Formation of OCs				Profile of OCs						
	No. of OCs formed with DO's assistance in May 2002	Cumulative no. of OCs formed with DO's assistance in 2002-03 financial	OC formation target in 2002-03 financial year	Cumulative no. of OCs formed with DO's assistance in the district	Total no. of OCs registered with LR on the DO's contact list	No. of OCs by type				No. of buildings served by OCs	No. of units served by OCs
						Residential (R)	Composite (R/C)	Commercial (C)	Industrial (I)		
Is	0	0	2	14	27	26	1	0	0	196	3804
K & T	3	4	5	184	189	56	45	0	88	278	47339
N	0	1	5	44	49	32	11	5	1	368	40175
SK	0	0	8	38	107	95	12	0	0	1543	34202
ST	1	5	12	138	144	75	45	0	24	592	75476
TM	0	0	2	156	156	57	66	0	33	601	72757
TP	0	1	8	97	97	41	55	0	1	656	40472
TW	1	1	3	150△	151	66	40	1	44	292	31478
YL	3	3	10	190	193	46	140	2	5	986	28000
Sub-total	8	15	55	1011	1113	494	415	8	196	5512	373703

District	Formation of OCs				Profile of OCs						
	No. of OCs formed with DO's assistance in May 2002	Cumulative no. of OCs formed with DO's assistance in 2002-03 financial year	OC formation target in 2002-03 financial year	Cumulative no. of OCs formed with DO's assistance in the district	Total no. of OCs registered with LR on the DO's contact list	No. of OCs by type				No. of buildings served by OCs	No. of units served by OCs
						Residential (R)	Composite (R/C)	Commercial (C)	Industrial (I)		
C&W	0	3	38	703	1007	420	475	105	7	1297	56292
E	0	0	3	496	555	133	377	5	40	690	101185
KC	1	1	25	421	760	576	155	5	24	1238	58691
KT	1	2	14	266	305	61	113	0	131	436	59633
S	1	1	12	127	221	154	42	1	24	700	27988
SSP	1	1	21	538	568	109	404	4	51	808	45954
WC	2	5	33	548	728△	307	375	46	0	901	39568
WTS	1	4	25	153	153	26	87	0	40	223	47576
YTM	1	1	22	749	1031	152	811	59	9	1123	39611
Sub-total	8	18	193	4001	5328	1938	2839	225	326	7416	476498
Grand Total	**16**	**33**	**248**	**5012**	**6441**	**2432**	**3254**	**233**	**522**	**12928**	**850201**

* No. of buildings is counted on a building block basis. For example, three superstructures erected upon a podium are counted as three buildings.

△ 1 OC is deleted due to demolition

Source: HAD

Free Professional Advice - Application Form
(for Law Society of Hong Kong)

注意事項

1. 每名申請人只可約見義務專業人士一次。

2. 申請人須把填妥的申請表格，連同有關個案背景、諮詢事項的說明以及相關文件的副本交回本中心。

3. 本中心將以書面通知申請人會面的日期、時間及地點。

4. 當值專業人士將於會面時向申請人提供口頭意見。

Points to note:

1. This free professional advice service is provided on a one-off basis.
2. The applicant should complete and return the application form together with background information on the case in question, advice to be sought and copies of the relevant documents to this Centre.
3. The successful applicant will be informed of the date, time and place of appointment in writing.
4. The duty professional will give verbal advice to the applicant at the interview.

Application No
申請編號：____________

Home Affairs Department
民政事務總署

Building Management Resource Centre
大廈管理資源中心

約見義務專業諮詢服務申請表
FREE PROFESSIONAL ADVICE - APPLICATION FORM

(1) Name (Name in Chinese) (Name in English)
申請人姓名：______________________（中 文）______________________（英 文）

I.D Card No.
身分証號碼：______________________ Tel 電話：______________________

Address
地 址____

____

Name of Owners' Corporation/MAC/Owners' Committee
法團/互助委員會/業主委員會名稱 ______________________________

Tenant ☐ 住客 Owner ☐ 業主 Member of the Management Committee/Executive Committee ☐ 管理委員會/執行委員會成員 ______________________ (Position Held)(請註明職位)

Signed
申請人簽署：______________________

Date
日 期：______________________

Statement of Purpose

Purpose of Collection

1. The personal data provided by means of this form will be used by Home Affairs Department for the purpose of :

   " to assist in processing various applications for the service of Building Management Resource Centre from members of the public"

Classes of Transferees

2. The personal data you provide by means of this form may be disclosed to other Government branches, departments and other relevant persons and bodies for the purposes mentioned in paragraph 1 above.

Access to Personal Data

3. You have a right of access and correction with respect to personal data as provided for in sections 18 and 22 and principal 6 of Schedule 1 of the Personal Data (Privacy) Ordinance. Your right of access includes the right to obtain a copy of your personal data provided by this form.

Enquiries

4. Enquiries concerning the personal data collected by means of this form, including the making of access and corrections, should be addressed to :

Senior Liaison Officer Building Management Resource Centre (Hong Kong) Home Affairs Department Tel No. : 2189 2813/2186 8111	Senior Liaison Officer Building Management Resource Centre (Kowloon) Home Affairs Department Tel No. : 2782 5193/2332 9113	Senior Liaison Officer Building Management Resource Centre (NTW) Home Affairs Department Tel No. : 2614 6405/2614 6272

目的說明

收集目的

1. 對於這份表格所提供的個人資料，民政事務總署會用作以下目的：

   【協助處理市民向大廈管理資源中心提出的服務申請。】

資料轉移對象類別

2. 你在這份表格所提供的個人資料，可能會爲上文第 1 段所述目的而向政府其他各科、部門，以及其他有關人士和團體披露。

查閱個人資料

3. 根據《個人資料（私隱）條例》第 18 及 22 條，以及附表 1 第 6 原則的規定，你有權查閱及改正個人資料。你查閱資料的權利，包括有權索取你在這份表格所提供的個人資料的副本。

查詢

4. 如對這份表格所收集的個人資料有任何查詢，包括查閱及改正資料，應與下述人員聯絡：

民政事務總署 大廈管理資源中心(香港) 高級聯絡主任 電話：2189 2813/2186 8111	民政事務總署 大廈管理資源中心(九龍) 高級聯絡主任 電話 ：2782 5193/2332 9113	民政事務總署 大廈管理資源中心(新界西) 高級聯絡主任 電話 ：2614 6405/2614 6272

Free Professional Advice - Application Form
(for all other professional bodies)

Application No
申請編號：__________

Home Affairs Department
民政事務總署

Building Management Resource Centre
大廈管理資源中心

FREE PROFESSIONAL ADVICE - APPLICATION FORM
約見義務專業諮詢服務申請表

(1) Name
申請人姓名：__________________ (Name in Chinese)（中 文）__________________ (Name in English)（英 文）

I D Card No.
身分証號碼：__________________ Tel
電話：__________________

Address
地 址__________________

Name of Owners' Corporation/MAC/Owners' Committee
法團/互助委員會/業主委員會名稱 __________________

Tenant
☐ 住客

Owner
☐ 業主

Member of the Management Committee/Executive Committee
☐ 管理委員會/執行委員會成員 __________________ (Position Held)(請註明職位)

Disclaimer of Liability
卸棄法律責任聲明

The Building Management Resource Centre of the Home Affairs Department and persons providing advice at the Centre in its service of free professional advice accept no liability or responsibility whatsoever for any inaccuracy, misrepresentation or omission in relation to advice given in the service, or for any loss or damage occasioned thereby.

民政事務總署大廈管理資源中心及在該中心提供免費專業諮詢服務人士，不會就諮詢服務所提供意見的偏差、失實陳述或遺漏事項，或因而引起的任何損失或損害，承擔法律責任或一般責任。

Building Management Resource Centre
Home Affairs Department
民政事務總署大廈管理資源中心

Acknowledgement of Disclaimer by Applicant
申請人確認聲明

I understand the content and meaning of the above disclaimer and agree to apply for and use the service mentioned therein subject to the said disclaimer.

本人明白上述卸棄法律責任聲明的內容和含意，並同意在上述卸棄法律責任聲明的規限下，申請和使用上述諮詢服務。

Signed
申請人簽署：__________________

Date
日 期：__________________

Background and Facts of the case :

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Appointment Date : ____________________ Time : ____________________

Prepared By : ____________________ LOI/AHM (BMRC)kln Date : ____________________

Recommendation :

Professional Advice to be given by : ☐ LSHK ☐ HKSA ☐ HKIS ☐ HKAPMC ☐ HKIE ☐ HKIH ☐ HKIA

Remarks : ____

Vetted and Recommended By : ____________________ Date : ____________________

SLO(BMRC)kln

Sent to : ☐ LSHK ☐ HKSA ☐ HKIS ☐ HKAPMC ☐ HKIE ☐ HKIH ☐ HKIA

By : ______________ Date : ____________________

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Classes of Transferees

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Access to Personal Data

3. You have a right of access and correction with respect to personal data as provided for in sections 18 and 22 and principal 6 of Schedule 1 of the Personal Data (Privacy) Ordinance. Your right of access includes the right to obtain a copy of your personal data provided by this form.

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   【協助處理市民向大廈管理資源中心提出的服務申請。】

資料轉移對象類別

2. 你在這份表格所提供的個人資料，可能會爲上文第 1 段所述目的而向政府其他各科、部門，以及其他有關人士和團體披露。

查閱個人資料

3. 根據《個人資料（私隱）條例》第 18 及 22 條，以及附表 1 第 6 原則的規定，你有權查閱及改正個人資料。你查閱資料的權利，包括有權索取你在這份表格所提供的個人資料的副本。

查詢

4. 如對這份表格所收集的個人資料有任何查詢，包括查閱及改正資料，應與下述人員聯絡：

民政事務總署 大廈管理資源中心(香港) 高級聯絡主任 電話：2189 2813/2186 8111	民政事務總署 大廈管理資源中心(九龍) 高級聯絡主任 電話 ：2782 5193/2332 9113	民政事務總署 大廈管理資源中心(新界西) 高級聯絡主任 電話 ：2614 6405/2614 6272

Application No. : ____________________

(3) Summary of professional advice given :

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By : ____________________

of ☐ LSHK ☐ HKIS ☐ HKSA ☐ HKAPMC ☐ HKIE ☐ HKIH ☐ HKIA

Date : ____________________

Free Advisory Sessions provided by Professional Bodies at BMRCs
(April 2000 to March 2002)

Professional Body	No. of Cases Completed	Percentage (%)
The Law Society of Hong Kong	378	90.2
The Hong Kong Institute of Surveyors	19	4.5
The Hong Kong Institute of Architects	7	1.7
Hong Kong Society of Accountants	6	1.4
The Hong Kong Association of Property Management Companies	5	1.2
Hong Kong Institution of Engineers	3	0.7
The Hong Kong Institute of Housing	1	0.3
Total	419	100.0

Source: HAD

Annex 18

Free Legal Advice provided by the Law Society of Hong Kong at BMRCs
(April 2000 to March 2002)

Nature of Advice	Percentage (%)
Provision of DMC/BMO	57.0
Financial matters	7.0
Manager/OC/MAC/MC	7.0
Legal Proceedings	7.0
Building maintenance	6.8
Unauthorized building works	3.6
Water seepage	3.1
Formation procedure of OC	2.8
Tribunal	1.9
Advertising signs	1.6
Employment	0.7
Insurance	0.3
Dangerous Slopes	0.3
Claim for damages	0.3
Land Grant Condition	0.3
Defamation	0.1
Code of Practice	0.1
Other Ordinance	0.1
Total (378 cases)	100.0%

Source: HAD

Samples of Appeal Letters

For Buildings on CMBS List

各單位業主
(收件人如非業主，請將此信轉交業主)

各位業主：

為籌組＿＿＿＿業主立案法團而需進行的家訪活動

本處知悉貴大樓最近已被選為「屋宇維修統籌計劃」的目標樓宇。屋宇署將聯同有關部門視察貴樓宇的公用部分，並列出所需的修葺項目，以改善貴樓宇的安全狀況及居住環境，並符合法例對樓宇安全及環境衞生的規定。

根據紀錄，貴大廈尚未成立業主立案法團，對於統籌大廈的維修改善工作上會造成困難。為協助貴樓宇業主成立業主立案法團，本處將於二零零二年＿＿＿＿＿＿派員到貴樓宇各單位進行家訪，並收集各位業主對成立法團的意向及業主的聯絡資料，以便日後籌組法團。家訪當日本處職員均配帶由本處發出的工作證以茲識別。希望屆時各位能衷誠合作。

如閣下對組織業主立案法團有任何疑問，請致電＿＿＿與＿＿查詢。本處將樂意提供意見及協助。

＿＿民政事務專員
(　　　　　代行)

二零零 年 月 日

For Buildings which have
Received Orders from EMSD

各單位業主
(收件人如非業主，請將此信轉交業主)

各位業主：

有關改善電力裝置事宜

本處得悉機電工程署已向貴大廈各業主發出關於大廈電力裝置未符合電力條例及其附屬法例規定安全標準的函件，並要求業主盡快聘請註冊電業承辦商爲貴大廈進行相應的電力裝置維修工程，以確保有關裝置符合安全標準。

由於貴大廈尚未成立與業主立案法團，以負責安排該維修工程的進行，因此，本處希望貴大廈業主能盡快根據《建築物管理條例》組織業主立案法團，以便進行有關維修工程，及能更有效地處理大廈事務。如閣下希望組織業主立案法團，歡迎致電_____________與本處___________聯絡，本處職員當樂意提供意見和協助。

至於貴大廈電力裝置的技術問題，則可按機電工程署函件致電有關職員聯絡，或電____________。

_____民政事務專員

(代行)

副本送：機電工程署署長

二零零 年 月 日

For Building's which have
Received Orders from FSD

各單位業主
(收件人如非業主，請將此信轉交業主)

各位業主：

消除火警危險通知書

根據本處紀錄，消防處處長曾於二零零 年 月 日發信通知貴大廈各業主，要求你們改善/維修大廈的消防設備，以消除樓宇的火警危險，否則該處將可能採取進一步行動。現特函告知你們須按照消防處的要求，盡促進行有關改善/維修工程。

根據紀錄，貴大廈並未成立業主立案法團，在管理大廈公共地方和維修公用設施時可能會遇到困難。如閣下希望組織大廈業主立案法團，以便日後統籌大廈的維修工程，及能更有效地處理大廈事務，歡迎致電 ________與本處________聯絡，本處將樂意提供意見及協助。

如對有關改善工程或有關通知書有任何疑問，請致電______與________消防處____________聯絡。

_____民政事務專員

(　　　　　　　　代行)

副本送：消防處處長
(檔號：　　　　　　　　)

二零零 年 月 日

Letter - Fight Fire

For Buildings which have
Received Orders from BD

各單位業主
(收件人如非業主，請將此信轉交業主)

各位業主：

大廈公用部分維修工程

根據本處紀錄，屋宇署曾於二零零　年　月　日發信通知貴大廈各業主，要求你們就上址建築物的公共部份進行維修工程，否則有關部門將可能採取進一步行動。現特函告知你們須按照屋宇署的要求，盡促進行有關維修工程，以保安全。

根據紀錄，貴大廈並未成立業主立案法團，在管理大廈公共地方和維修公用設施時可能會遇到困難。如閣下希望組織大廈業主立案法團，以方便日後統籌大廈的維修工程及能更有效地處理大廈事務，請致電________與本處聯絡，本處將樂意提供意見及協助。

如對工程有任何疑問，請致________與屋宇署______聯絡。

_____民政事務專員

(　　　　　　代行)

副本送：屋宇署署長
(檔號：(　) in　　　)

二零零　年　月　日

For All Buildings

各單位業主
(收件人如非業主，請將此信轉交業主。)

各位業主：

成立業主立案法團事宜

大廈管理齊做好，安居目標可達到!

人人都想安居樂業，有舒適安全的居住環境。要達到安居的目標，業主和住戶便須組織起來，積極參與大廈管理，而成立業主立案法團是一個十分有效的方法。

業主立案法團是由大廈各業主按大廈公契和《建築物管理條例》共同成立的組織，代表全體業主管理大廈的公共地方，照顧業主和住戶的利益，並有權任免管業經理及監督其工作。

多年以來，______民政事務處致力促進區內私人大廈成立業主立案法團。根據本處紀錄，貴大廈現時並未成立法團，在管理大廈公共地方和維修公用設施時可能會遇到困難。因此，本處希望貴大廈業主能盡快組織業主立案法團，在共同參的理念下，自行管理其物業。如你們希望組織大廈業主立案法團，請致電______________與本處__________________聯絡，本處將十分樂意提供協助，並就法團日後的運作提供意見和支援，希望集各業主同人的努力，促進貴大廈的良好管理。

______民政事務專員
(　　　　　　　　代行)

二零零 年 月 日

Extract from the Policy Objective Booklet on Building Management for the Policy Address 2001

3 Assist owners in the formation of owners' corporations and servicing afterwards

There are approximately 42 000 private buildings in Hong Kong. As at 30 June 2001, there were 6 464 owners' corporations (OCs) covering about 12 000 buildings. We plan to adopt a more proactive approach to encourage owners to form OCs – or other forms of owners' associations – for management and maintenance of the common parts of their buildings. Staff of the Home Affairs Department (HAD) will visit all private buildings in their districts to identify those where OCs can be formed. They will help owners to form OCs and will promote good building management. HAD staff will also attend the general meetings of all existing OCs and other meetings as and when requested. They will also help to mediate in disputes amongst owners.

We will assess our performance in respect of this KRA against the following indicators –

- The number of OCs formed. Our target is to form 280 OCs in 2002.
- The percentage increase in new OCs formed. Our target is to achieve a 7% increase over last year.
- The number of requests received for information on, or assistance in, OC formation. Our target is to handle all requests for information received during the year.

We will pursue the following initiative and target to deliver results in this area –

Initiative	Target
To continue to improve the capability of District Offices staff in attending to enquiries from and resolving problems of owners' corporations and relevant building management bodies *(Home Affairs Department (HAD))*	To organise at least five training courses/workshops for HAD staff in 2002-2003

Record of Visit

(to be filled by updating staff)
☐ BMIS updated
☐ District Database updated
Post: ____________
Signature: ________ Date: ______

______ 民政事務處大廈探訪報告

1. 樓宇名稱: ____________ 業主立案法團 / 互助委員會 / 業主委員會 / 未有居民組織

1.1 大廈/屋邨座數: ____________

2. 地址: ______________________________ 分區: ____________

3. 探訪目的: ☐ 出席會議*(Formation / AGM / EGM / Owners' mtg / MC / Exco)
   ☐ 日常聯繫　☐ 巡察大廈
   ☐ 逐戶家訪(收集成立法團意見)　☐ 派遞文件 / 信件
   ☐ 探訪天台屋居民　☐ 其他 (請註明): ____________

4. ☐ Date of visit
   ☐ Date of OC AGM
   ☐ Date of OC Election / Re-election
   (可✓多項)
   Date: ____________ 時間: ____________ 地點: ____________

5. 出席民政處人員(以英文填寫)
   Name: ________ Post: ________ Name: ________ Post: ________
   Name: ________ Post: ________ Name: ________ Post: ________

6. 會見 / 訪談人士:
   主席: ________ 電話: ________ 地址: ________
   秘書: ________ 電話: ________ 地址: ________
   司庫: ________ 電話: ________ 地址: ________
   其他委員: ____________________
   其他人士: ____________________

7. 管理公司: *Y / N　管理公司名稱(如有): ____________
   負責人: ________ 職位: ________ 電話: ________

8. 保安員 / 管理: *Y / N　姓名(如有): ________ 管理處電話: ________

9. 會議 / 訪談 / 巡察撮要

____

____

____

____

____

____

____

____

10. 大廈管理情況

事項	情況				備註
	滿意	尚可	不滿意	不適用	
清潔狀況					
保安狀況					
I) 大閘					
II) 閉路電視					
III) 管理員					
消防設備					
I) 滅火筒					
II)大廈防煙門					
III)消防喉轆					
公共地方照明情況					
告事欄					
其他事項(請註明)					

報告人員姓名: ____________ 職位: ____________ 簽署: ____________

(註: 請於探訪大廈後一星期內遞交報告) 遞交報告日期:____________

11. 主任備註:

____

____

____

主任姓名: ____________ 職位: ____________ 簽署: ____________

日期: ____________

The Announced Performance Targets for OC Formation Services (1999 to 2002)

Calendar Year	*Performance Indicators*		
	No. of OCs formed	*Percentage increase in new OCs*	*No. of requests for information on, or assistance in, OC formation*
1999	210	5%	1,100
2000	240	5%	All requests received during the year
2001	260	10%	All requests received during the year
2002	280	7%	All requests received during the year

Source: HAB Policy Objective Booklet on Building Management for the Policy Addresses 1999, 2000 and 2001.

HAD's Input, Output and Outcome Indicators For Building Management Services

Input indicators

(a) No. of staff establishment on BM services including staff of HQs, DBMLTs and BMRCs

(b) Resources for promotional and publicity activities allocated to HQs

(c) DC funds for promotional and publicity activities at district level

Output indicators

A. District level

(a) No. of OCs formed

(b) No. of visits/meetings with OCs, other resident organisations, or property management bodies, and the time spent on the visits/meetings by DBMLT staff and TCOs

(c) No. of complaint cases handled

(d) No. of enquiries received by HAD and where HAD has rendered advice/assistance, including cases where owners have sought HAD's assistance on receipt of statutory orders/notices from Government departments, and cases of Specified Commercial Building, Blitz programme, dangerous hillside order, clearance operation of unauthorised rooftop structures and WR2 inspection

(e) No. of educational and publicity activities organised, and the no. of participants in these activities

(f) No. of target buildings (BMCC, CMBS and Specified Commercial Buildings) to which HAD has rendered assistance

B. <u>BMRC</u>

(a) No. of visitors

(b) No. of enquiries

(c) No. of appointments made with professional bodies

(d) No. of training activities organised, and the no. of participants in these activities

(e) No. of Government departments' pamphlets distributed

(f) Setting up of new BMRC

C. <u>HAD HQs</u>

(a) BM website hit rate

<u>Outcome indicators</u>

<u>Customer Satisfaction</u>

(a) BMRC – Regular questionnaire survey and questionnaire relating to Team-Based Performance Exercise

(b) Survey on OC formation targetting 502 OCs formed with DOs' assistance in 2001 and 2002

(c) Survey on OC servicing targetting about 2,200 OCs of the 6,600 plus OCs

(d) No. of commendation letters

(e) No. of substantiated complaints

Customer Service Survey Form for BMRCs

民政事務總署
大廈管理資源中心（九龍）

電話：2332 9113

Home Affairs Department
Building Management
Resource Centre (Kowloon)
傳真：2332 7717

回應表

多謝你使用本資源中心的服務。請你填寫此份回應表並交回接待處。

1. 閣下使用本中心的目的（可選擇多項）
   - ☐ 諮詢意見
   - ☐ 索取單張
   - ☐ 閱覽參考資料
   - ☐ 約見專業人士
   - ☐ 借閱錄影帶/光碟
   - ☐ 使用社區數碼站
   - ☐ 其他 ____________________

2. 閣下對本中心所提供的有關大廈管理資料/服務有何意見？

   (a) 政府部門刊物（供市民取閱之單張/印刷品）
   - ☐ 非常足夠
   - ☐ 足夠
   - ☐ 尚有不足，建議增加項目：____________________

   (b) 參考資料
   - ☐ 非常足夠
   - ☐ 足夠
   - ☐ 尚有不足，建議增加項目：____________________

   (c) 由本中心職員所提供諮詢服務：
   - ☐ 非常滿意
   - ☐ 滿意
   - ☐ 有待改善，例如：____________________

   (d) 專業團體代表所提供諮詢服務(香港律師會、香港會計師公會、香港測量師學會、香港物業管理公司協會、香港工程師學會、香港房屋經理學會、香港建築師學會)：
   - ☐ 非常滿意
   - ☐ 滿意
   - ☐ 有待改善，例如：____________________

(見背頁)

(e) 工作坊/訓練課程

☐ 非常滿意
☐ 滿意
☐ 有待改善，例如：______________________

(f) 社區數碼站

☐ 非常滿意
☐ 滿意
☐ 有待改善，例如：______________________

3. 閣下對工作人員態度的滿意程度？
   ☐ 非常滿意
   ☐ 滿意
   ☐ 有待改善，例如：______________________

4. 本中心的地點是否適中、方便？
   ☐ 是
   ☐ 否，原因是：______________________

5. 本中心的服務，對閣下在大廈管理認識有否幫助？
   ☐ 有
   ☐ 沒有，原因是：______________________

6. 其他意見：______________________

____

<u>可以選擇填寫</u>

團體/法團/互助委員會/大廈名稱

____

姓名:______________ 日期:______________

聯絡電話:______________

Comments and Suggestions from Respondents of the Customer Service Survey for the BMRCs

大廈管理資源中心
服務問卷調查

評論及改善建議

1. 部份錄影帶資料較舊
2. 製作 VCD 反映香港大廈管理問題的現況
3. 舉辦更多課程
4. 加強宣傳大廈管理資源中心
5. 參考書不能外借
6. 延長見律師時間
7. 九龍工作坊坐位比較擠迫，應限制參加者人數不多於 45 人
8. 九龍中心管理得十分好，資料存放得有系統，假如能提供銷售有關條例的地點就更理想

Questionnaire for the Customer Satisfaction Survey on OC Formation Services

民政事務總署問卷調查

成立業主立案法團

被訪者姓名：________________ 聯絡電話：________________
法團名稱：________________________________
法團地址：________________________________
填寫問卷日期：________________

請在適當的空格內加上「✓」號

I. 查詢階段

	非常足夠	足夠	普通	不足夠	非常不足夠	無意見/不適用
(1) 你認爲本署職員提供法團法律地位的資料是否足夠？ 例如：法團與其他業主組織的分別	5 ☐	4 ☐	3 ☐	2 ☐	1 ☐	0 ☐

如選擇 1 或 2，請說明原因或建議可以改善之處。

____

(2) 你認爲他們提供法團的職責及權力的資料是否足夠？	5 ☐	4 ☐	3 ☐	2 ☐	1 ☐	0 ☐

如選擇 1 或 2，請說明原因或建議可以改善之處。

____

(3) 你認爲他們提供成立法團程序的資料是否足夠？ 例如：如何召開業主大會、會議通知的細節安排等	5 ☐	4 ☐	3 ☐	2 ☐	1 ☐	0 ☐

如選擇 1 或 2，請說明原因或建議可以改善之處。

____

續背頁

	非常有幫助	有幫助	普通	沒有幫助	非常沒有幫助	無意見/不適用
(4) 你認爲他們建議如何推動及聯絡業主成立法團的意見是否有幫助？	5 ☐	4 ☐	3 ☐	2 ☐	1 ☐	0 ☐

如選擇 1 或 2，請說明原因或建議可以改善之處。

____

II. 籌備階段

	非常滿意	滿意	普通	不滿意	非常不滿意	無意見/不適用
(5) 你是否滿意他們處理申請免費提取土地註冊處業權紀錄所需的時間？	5 ☐	4 ☐	3 ☐	2 ☐	1 ☐	0 ☐

如選擇 1 或 2，請說明原因或建議可以改善之處。

____

	已盡全力	很努力	普通	無盡力	敷衍了事	無意見/不適用
(6) 當你遇到問題時，他們有沒有盡力協助你？ 例如：租借社區中心場地作召開業主大會用途、借用成立法團展覽版等	5 ☐	4 ☐	3 ☐	2 ☐	1 ☐	0 ☐

如選擇 1 或 2，請說明原因或建議可以改善之處。

____

	非常足夠	足夠	普通	不足夠	非常不足夠	無意見/不適用
(7) 你認爲他們提供籌備成立法團的資料是否足夠？ 例如：會議通知的一般格式、如何在報章刊登會議通知及「怎樣成立業主立案法團」小冊子等	5 ☐	4 ☐	3 ☐	2 ☐	1 ☐	0 ☐

如選擇 1 或 2，請說明原因或建議可以改善之處。

____

	非常有幫助	有幫助	普通	沒有幫助	非常沒有幫助	無意見/不適用
(8) 你認為他們提供給你參考的《建築物管理條例》及大廈公契的條文是否有幫助？	5☐	4☐	3☐	2☐	1☐	0☐

如選擇 1 或 2，請說明原因或建議可以改善之處。

---

(9) 你認為大廈管理資源中心就《建築物管理條例》及大廈公契所提供的『義務專業諮詢服務』是否有幫助？	5☐	4☐	3☐	2☐	1☐	0☐

如選擇 1 或 2，請說明原因或建議可以改善之處。

III. 成立階段

	非常滿意	滿意	普通	不滿意	非常不滿意	無意見/不適用
(10) 你是否滿意他們出席會議時的表現？（包括禮貌、態度、準時）	5☐	4☐	3☐	2☐	1☐	0☐

如選擇 1 或 2，請說明原因或建議可以改善之處。

	非常詳盡	詳盡	普通	不詳盡	非常不詳盡	無意見/不適用
(11) 在會議上回應你們的查詢時，他們的答覆是否詳盡？	5☐	4☐	3☐	2☐	1☐	0☐

如選擇 1 或 2，請說明原因或建議可以改善之處。

	非常有幫助	有幫助	普通	沒有幫助	非常沒有幫助	無意見/不適用
(12) 在會議上有業主持不同意見或爭執時，他們所提供的協助是否有幫助？	5☐	4☐	3☐	2☐	1☐	0☐

如選擇 1 或 2，請說明原因或建議可以改善之處。

續背頁

	非常有幫助	有幫助	普通	沒有幫助	非常沒有幫助	無意見/不適用
(13) 你認爲他們爲成立法團提供的訓練課程 / 工作坊 / 研討會對你是否有幫助？	5☐	4☐	3☐	2☐	1☐	0☐

如選擇 1 或 2，請說明原因或建議可以改善之處。

IV. 整體意見

	非常滿意	滿意	普通	不滿意	非常不滿意	無意見/不適用
(14) 你是否滿意本署職員在貴大廈成立法團過程中提供的協助 / 服務？	5☐	4☐	3☐	2☐	1☐	0☐

如選擇 1 或 2，請說明原因或建議可以改善之處。

	非常有幫助	有幫助	普通	沒有幫助	非常沒有幫助	無意見/不適用
(15) 你認爲本署提供的協助 / 服務對貴大廈成立法團是否有幫助？	5☐	4☐	3☐	2☐	1☐	0☐

如選擇 1 或 2，請說明原因或建議可以改善之處。

問卷完畢

謝謝你的寶貴意見！

請把問卷放入隨附的信封內，並寄回本署。

Comments and Suggestions from Respondents of the Customer Satisfaction Survey on OC Formation Services

民政事務總署問卷調查
成立業主立案法團

評論及改善建議

(1) 你認爲本署職員提供法團法律地位的資料是否足夠？
例如：法團與其他業主組織的分別

- 貴署職員會要求法團諮詢律師解答有關之法律問題
- X X X街XXX至X座共同擁有及管理一停車場，在協助成立法團時，在一些問題上，如能否共同成立法團問題上，顯現不足夠的支持，我們是只有2-3層舊式樓宇，有可能其中二、三層爲同一業主，故在成立委員時會有衝突，此情況職員未能爲我們反應改善和解決，這與政府倡議成立業主立案法團有違精神，令有心成立的市民感到氣餒
- 在建築物管理條例中，沒有界定清楚經理人是指法團抑或管理公司
- 政府印刷的冊子已很足夠，但具體詢問處理方法時，永遠是一個例模式回答，"你去問法律意見"，不知職員的水平是否已劃一規定，完全不承擔責任。冊子足夠，去辦事處則多餘，幫不到忙
- 缺乏實際個案資料
- 本苑爲甚麼現在還有互委會，政府爲何亂花金錢在一個已有法團的互委會身上，而不將金錢花在有需要社區
- 貴處職員有時甚至連344章內容都不能解答
- 因本法團去年八月成立故對以上兩個問題了解得不足夠
- 民政事務處職員在執行政策方面，不夠堅決積徹底貫徹
- 就在法團法律地位與互委會諮詢角色上出現問題。例如：爲什麼在成立法團後不提早解散互委會方便法團運作?
- 資料不足
- 貴處職員應主動接觸法團成員講解有關分別

(2) 你認爲他們提供法團的職責及權力的資料是否足夠？

- 職責重，權力少，運作不暢通，有何用呢？
- 管理公司、法團、業主的權責很多處模糊不清，甚至有重疊的情況
- 如有實例會更好
- 本人認爲每季與各立案法團開一次座談會交換意見以增進政府與法團間了解與合作，應當有益，請參酌
- 缺乏實際個案資料
- X X區的民政事務署的主任及其下員工不知所爲
- 在實際處理會務各方面都未能詳細指引
- 資料不足
- 貴處職員應主動接觸法團成員講解有關分別

(3) 你認爲他們提供成立法團程序的資料是否足夠？
例如：如何召開業主大會、會議通知的細節安排等

- 因有管理處安排
- 提供資料不足，要找貴署職員協助時要請假前往。電話聯絡要留言，他們往往出外工作，提意他們兩人負責壹法團，輪流下班，方便我們約見或聯絡
- 記憶中，並無提供
- 可否撰寫一份小冊子以備法團翻閱?
- 因爲民政事務處於出席居民會議或業主大會時，大部份情況未有提供足夠的協助，連基本監察的協助，亦稱辯不能擔任監察及簽署
- 缺乏實際個案資料
- 提供一些通告的標準文本
- 根本沒有溝通，祇與互委會溝通，因本苑互委會是某大政客地頭
- 個別職員還可以(視乎資歷)
- 資料不足
- 貴處職員應主動接觸法團成員講解有關分別

(4) 你認爲他們建議如何推動及聯絡業主成立法團的意見是否有幫助？

- 管理公司代爲推動
- 他們被諮詢時的態度並不積極，對於我們的困難，他們比我們更消極
- 許多業主不願參與，政府應多推動，使每個業主應知是責任
- 未有得到任何建議
- 沒有提供意見或跟進的工作
- 未聞貴署有何建議及推動方案
- 缺乏實際個案資料
- 一般來說，業主只求方便而不願多付時間
- 民政事務處推動及聯絡業主成立法團過程只扮演觀察或被動角色
- 無人知道
- **X X**苑是業主及公屋租客所組成的複雜屋苑，暫仍難於解決所存在之問題

(5) 你是否滿意他們處理申請免費提取土地註冊處業權紀錄所需的時間？

- 我們根本不知道有這免費服務，我們付了款，查完冊後，才知道可以申請免費
- 如有中文姓名會更好
- 本法團未有提請協助土地註冊處業權事項
- 如記錄可在所屬政務署地區分處收取更好
- 申請免費提取所需的時間沒有意見。但並沒正視如何收回個別業主名冊私穩及處理制度方法
- 太慢

(6) 當你遇到問題時，他們有沒有盡力協助你？
例如：租借社區中心場地作召開業主大會用途、借用成立法團展覽版等

- 未試要求
- 他們覺得自己的權力有限，有很多我們的問題，他們雖是理解但無奈
- 沒有借用社區中心或展覽版等，一切資料只靠議員幫助
- 本法團租借ＸＸＸ社區中心召開業主大會事宜是經由管理處職員聯絡
- 因爲沒有租借及借用過
- 所說的和事實不同

(7) 你認爲他們提供籌備成立法團的資料是否足夠？
例如：會議通知的一般格式、如何在報章刊登會議通知及「怎樣成立業主立案法團」小冊子等

- 由管理公司代辦
- 土地註冊署的同事比較樂於協助我們，有很多文件上的處理，都是他們教我們的
- 小冊子應簡化，方便大眾閱讀，刋登法團報章費用太貴
- 本法團始於XXXX年Ｘ月成立，是否政府條例規定任期爲二年？應行改選請示知。若然則應於短期內進行改選新任。
- 全靠自己
- 沒有收到
- 如報章刊登通知例不太清楚，令刊登日期弄錯

(8) 你認爲他們提供給你參考的《建築物管理條例》及大廈公契的條文是否有幫助？

- 貴署職員應有能力了解大廈公契的英文內容，大廈公契的條文是英文，他們提意我到大廈管理資源中心約見諮詢
- 我未曾接過貴署建築物管理條例及大廈公契條文，如有請惠賜一份閱讀
- 他們對建築物管理條例內容一知半解
- 從未提供過
- 是很長很複雜及很難看得明白
- 因沒供給
- 根本沒有提供
- 因爲公契內條文不清晰，有很多'灰色'地帶

(9) 你認爲大廈管理資源中心就《建築物管理條例》及大廈公契所提供的『義務專業諮詢服務』是否有幫助？

- 排期約見時間稍長
- 他們祇在日常辦工時間工作，並沒有假期或夜間服務
- 部分職員對建築物管理條例欠理解
- 資源中心詢問處接聽電話詢問的職員，若態度積極一些，可令求助者的「求助意欲」不致降低至望門卻步
- 未見過左列小冊，未能置評
- 詢問關建問題，永遠叫去問專業意見，排律師最少一個月，遠水救不了近火
- 通常我們只有建議及方向，但諮詢服務卻要求具體問題
- 無寧兩可
- 形同虛設，要人長途跋涉但答非所問，甚至建議自己想方法
- 祇有一次專業諮詢，故有問題也不敢問
- 每大廈只能得一次專業諮詢服務，實在太少，這使我在非到最後階段，都不使用
- 本人曾用電話諮詢，但接聽電話職員回覆，每個法團"一生"祇可利用"法律諮詢"一次。"建議"本人三思問題才利用這"一次"機會。結果，本人放棄諮詢
- 開放時間有限，地點較遠，對新界元朗地方幫助有限
  1. 延長開放時間，假日提供服務
  2. 在新界地方加發服務點
- 因爲要等候義務專業諮詢服務的時間太長，有很多需要即時解決的問題未能及時解決

(10) 你是否滿意他們出席會議時的表現？（包括禮貌、態度、準時）

- 根本政務處就說明不會派人幫助法團成立業主會，我們是自行求助政黨團體成立
- 可提供實際的協助沒有，表現不太熱心，可能用了晚上的時間
- 聯絡主任放產假，派來所謂幹事，什麼也不懂，睡了
- 從無主動來訪，有時請都唔到
- 本人認爲政務處職員在處理法團事務時，有時過緊有時過鬆，未能一貫政策，確實有無所適從
- 但祗是打官腔？並沒有具體意見！

(11) 在會議上回應你們的查詢時，他們的答覆是否詳盡？

- 未能清楚回答業主發問
- 應先了解該"大廈公契"的條文，方便解答部份業主的問題，不應叫業主各自找答案
- 一般查詢還可以，但稍爲迂迴些的個案不是無能爲力便是教我們尋求法律意見
- 聯絡主任放產假，派來所謂幹事，什麼也不懂，睡了。爲什麼沒有別的聯絡主任，明顯地不重視此項工作
- 除業主大會及在籌備期間作過邀請他們出席會議，他們給於我們很大的幫忙外，例如解答問題，組期後便沒有主動地安排一至二次出席我們的常務會議
- 依書直說，如果加上既合法又適合當時環境會更好
- 沒有提供意見
- 未有人查詢，不好置評
- 非常模棱兩可，永遠沒有 yes 或 no，附送問專業意見
- 在會議上對問題拾問九不知。(X X X主任)
- 視乎問題性質一時時
- 例如有非業主身份遞本法團召集人權利，企圖龐斷會議操控權謀求個人私利等亦不加制止，本人感到非常不滿
- 和事實不同
- Part-time 社區幹事，有關知識不深入

(12) 在會議上有業主持不同意見或爭執時，他們所提供的協助是否有幫助？

- 未能協助解決爭執，亦未能向不明業主道明授權書是可以作投票及被授權業主是可取限量授權書
- 往往馬虎對答或提意主席找答案，再開大會討論是不可能。因爲業主少，法團細，主席多不是受薪，是當義務。他們應提供資料，協助主席解問題
- 未有舉辦週年大會經驗，但相信有幫助
- 聯絡主任放產假，派來所謂幹事，什麼也不懂，睡了。爲什麼沒有別的聯絡主任，明顯地不重視此項工作。置身事外
- 此題答案只限於在XXXX年 XX月 XX日本苑的業主週年大會
- 但略欠合法的彈性處理建議
- 未見識過
- 未遇到有關問題
- 啞口無言
- 通常不主動回應
- 爲的不是職員提供不足，而是一些業主並明理及蠻
- 他自己也不明白
- 因爲他所理解的條文內亦有很多'灰色'地帶，令他未能準確直接地表示見解

(13) 你認爲他們爲成立法團提供的訓練課程 / 工作坊 / 研討會對你是否有幫助？

- 未知內容如何不能作答
- 沒有太多時間可以參與，工作忙，請假有困難。貴署職員應從旁解答。貴署職員不應時常更換（XXXX年 X月至 X 月期間已更換三位職員），開會前應先與主席溝通，到開會時從旁協助
- 無提供訓練課程
- 民政事務署已提供足夠閱讀資料、指引，並有足夠的個別諮詢服務，一切都很足夠，不必再攪內容重叠的研討會。工作坊、研討會有如下午茶及宵夜，其實提供了一日三餐，己很夠營養，不必額外提供豐盛的下午茶及宵夜。省下資源，印刷防火、防盜小冊子，每户派發；或聯絡贊助商，以超低價爲法團的大廈裝置 24 小時錄影。或制作一些塑膠大廈及電梯告示牌，免費派發等，都有立竿見影的效果
- 沒有參加過上述之訓練課程。（因不知道有這個訓練）
- 本法團從來不知有以上服務提供
- 何時提供過？
- 因沒有提供

(14) 你是否滿意本署職員在貴大廈成立法團過程中提供的協助 / 服務？

- 政務處應該主動協助舊區（如唐樓）業主聯絡各住戶成立法團，因爲有政府官員協助，住戶是比較合作的
- 一般官僚，各有各說法，知識水平一般而己
- 手續盡量簡化。有關政府部門可直接代交註冊署，不用我們傳遞較佳
- 不滿意，聯絡主任回來後參加的一次會議除外
- 需表揚聯絡主任 X X X X 先生及聯絡主任主管 X X X 小姐過往的協助
- 敷衍了事，無盡力幫助我們
- 建議貴署從頭訓練他們
- 助力不大
- 有同無，無分別
- 除提供向土地註冊處免費索取業主紀錄的公文外，就一無是處
- 希望既有大廈超過 60%伙數即要成立立案法團，否則管理公司大量花費管理費，若一、二年後才成立立案法團大廈財政將會大量虧損，多多此類案件也。請多留意！謝謝接納

(15) 你認爲本署提供的協助 / 服務對貴大廈成立法團是否有幫助？

- 協助不足，對有關問題了解不足，要多次開會，才能解決一些簡單問題。例如：大廈公共污水渠費用分担問題，因貴署職員了解不深，導致部份業主不肯分担，至今仍不能解決
- 從來沒有主動探訪本法團；解決本法團成立以來面對各樣困難；調解法團與房署之紛爭
- 有民政事務署參與，有「名門正派」感覺之幫助，只此而已
- 本法團成立至現在爲止，全部都是靠自己
- 除了轉介投訴，曾提供什麼協助？
- 提供太少
- 除提供向土地註冊處免費索取業主紀錄的公文外，就一無是處
- 懇請貴處不要經常更換民政署主任，以便大家有協調性地處理大廈法團各類問題

A List of OC Associations which have submitted their views to this Office

1. The Multi-Storey Building Owners Association of Western District (HK) Ltd.
   香港西區業主聯誼總會有限公司

2. Association of HOS and PSPS Estate, Island South
   港島南區居屋聯會

3. The Association for the Incorporated Owners of Kwai Tsing District
   葵青私人樓宇業主聯會

4. Hong Kong Association of Incorporated Owners Committees
   香港業主立案法團聯會

Steering Group on Implementation of the Building Management (Amendment) Ordinance and Other Related Building Management Matters

Terms of Reference

(1) To monitor the impact of the BM(A)O, resolve problems relating to its implementation, and to make recommendations on further improvement to the BM(A)O.

(2) To examine existing instruments in all related Government departments which assist owners to improve the management of their buildings, and to consider improvements.

(3) To monitor progress and render assistance and advice to district Building Management Teams in implementing programmes to help owners improve the management of their buildings.

(4) To make recommendations on annual targets for schemes, which require the joint efforts of various departments, and the financial resources required.

MEMBERSHIP

Chairman **Director of Home Affairs**

Member **Representatives of :**

Home Affairs Bureau
Planning and Lands Bureau
Buildings Department
Housing Department
Home Affairs Department
Fire Services Department
Other departments as necessary

OC Registration Statistics before and after the Enactment of the Building Management (Amendment) Ordinance 2000 in August 2000

Table 1: OC Registration Statistics

Period	*No. of New OCs formed under*			
	s.3	*s.3A*	*s.4*	*Total*
8/1998 to 7/1999	271	2	0	273
8/1999 to 7/2000	294	3	0	297
8/2000 to 7/2001	288	2	0	290
8/2001 to 7/2002	284	2	0	286

Source: HAD

Table 2: Compaison over the Two 24-month Periods before and after August 2000

Section	*8/1998 to 7/2000*	*8/2000 to 7/2002*	*Difference*	*Percentage*
3	565 (note 1)	572 (note 2)	7	1%
3A	5 (note 3)	4 (note 4)	-1	-20%
4	0	0	0	0%

Note 1 : OC formed by a resolution of the owners of not less than 50% of shares
Note 2 : requirement lowered from 50% to 30% after the enactment of the BM(A)O
Note 3 : OC formation required application to SHA by owners of not less than 30% of shares
Note 4 : requirement lowered from 30% to 20% after the enactment of the BM(A)O

Rules of the Free Legal Advice Scheme administered by the Duty Lawyer Service

Although the Free Legal Advice Scheme does not have a means test, there are guidelines in which free legal advice will be refused in the following situations :

(1) Cases involving foreign law (for example the question posed involves PRC laws);

(2) Cases involving building management, owners-incorporation and deeds of mutual covenant;

(3) Cases not involving a legal problem; for example how to apply public housing, how to apply for passport in another country;

(4) Clients who have already engage private lawyers to deal with their cases;

(5) Clients who have been granted Legal Aid;

(6) Clients who wish to set up a business and request the volunteer lawyer to draft contract for their future use;

(7) Clients who are employees of a company and are seeking advice on behalf of the company which, from the facts of the case, is obvious that it can afford private lawyer for assistance;

(8) Clients repeatedly seeking advice from the Service concerning the same case and/or the same issues;

(9) Clients with mental problem;

(10) Clients seeking advice concerning hypothetical questions or clients seeking legal representation instead of obtaining preliminary advice.

Source: http://www.dutylawyer.org.hk